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Boston City Messenger

DOCUMENTS
OF THE
CITY OF BOSTON,
FOR THE YEAR 1894.

IN SIX VOLUMES.

VOLUME VI.
CONTAINING DOCUMENTS FROM NO. 211 TO NO. 221, INCLUSIVE.

Published by Order of the City Council.



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May 17, 1895

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REPORTS

OF THE

COMMITTEE OF THE WHOLE BOARD
OF ALDERMEN

ON THE

CARE AND MANAGEMENT OF THE
PUBLIC INSTITUTIONS,

WITH

AN APPENDIX

GIVING TESTIMONY SUBMITTED AT THE INVESTIGATION.

IN THREE VOLUMES.

VOL. III.

BOSTON:
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FORTY-THIRD HEARING.

TUESDAY, November 20, 1894.

The hearing was resumed at four o'clock P.M., Chairman HALLSTRAM presiding.

DISCUSSION IN REGARD TO FURTHER EVIDENCE.

Ald. LOMASNEY. — Mr. Chairman, I received to-day this letter :

SOUTH BOSTON, November 18, 1894.

To ALDERMAN LOMASNEY, *City Hall* :

HON. SIR : I was refused to see the Investigation Committee when they were here, and as I have a story to tell, and I wish you to hear it, I cannot put it here, as this goes through the officer. Can I see you or will you get permission off the Mayor so I can write you a sealed letter? If you do not get this letter, there will be a certain party ask you if you received a letter from me.

Yours respectfully,
ED. S. FELTON.

HOUSE OF CORRECTION.
SOUTH BOSTON.

Now, Mr. Chairman, we visited, as an Investigating Committee, the House of Correction. I had several letters from the institution and I called one witness who sent me a letter. There were a number of other witnesses called, but from this letter it appears that one individual was denied the right to appear before the Investigating Committee, and there is no evidence before this committee that any other prisoner in that institution was told that the investigating committee were there and ready to hear charges, if there were any, and asking to have them brought before them. When we first went to the House of Correction I asked the Chair how we were going to proceed, how the prisoners were going to know that we were there, and the purposes for which we were there. However, nothing was done. Now, Mr. Chairman, it seems to me if you are going to have an investigation that is thorough and complete the prisoners who are in the institution, within the walls, should be given the opportunity to appear before the committee; and, Mr. Chairman, I now move you, sir, that the chairman of this committee be authorized to notify every prisoner in the institution that the committee for the purpose of investigating public institutions will attend there on a certain day, and if they desire to testify that they be allowed to communicate that fact to the chairman of this committee in a sealed letter and without losing a monthly letter for that purpose.

The CHAIRMAN. — Do I understand the alderman to make a motion?

The stenographer repeated the motion.

The CHAIRMAN. — The committee has heard the motion as read by the stenographer. Are you ready for the question?

Ald. LEE. — Mr. Chairman, while I do not desire to oppose any motion that may be made by the alderman on my left as to any individual prisoner who may have a complaint to make to this committee as to the management of the institution or his treatment while confined there as a prisoner, whether inside or outside the walls of the institution, it seems to me, Mr. Chairman, that the motion which the alderman has made is a sweeping one; and if discipline is going to be maintained in the institution, and a committee, whether from the State or from the city, is to go in there and tell the prisoners either in their cells or in their workshops that a committee is there ready to hear them, then, Mr. Chairman, show me the man who may be the superintendent of that institution, with all his officers, who can maintain discipline and good order. If, Mr. Chairman, you want riot and insurrection to prevail in your penal institutions, then pass that order. I will go, Mr. Chairman, as far as any member upon this committee, and devote as many hours and as much time to go there and listen to any prisoner who may have a complaint to make. I understood at the last meeting we had there that all the people they had that they desired to hear were heard. As I understand it from the alderman, he has received this letter since we closed our investigation in part at the House of Correction. Am I right?

Ald. LOMASNEY. — This morning.

Ald. LEE. — This morning. Mr. Chairman, here is a man who has a complaint to present. I believe we should hear it. I believe if there are any others there who may send letters to either the superintendent or any member of this committee, having a complaint, that we should hear them; but don't let the responsibility come upon this committee, Mr. Chairman, of placing the penal institutions of this county in such a state, by any vote or any act of ours, that we may be criticised, not only in our own city, but throughout the whole country. I again say, Mr. Chairman, that I will vote to hear the evidence of any man within its walls who has a complaint to make, no matter how trivial it may be. As I understood it, Mr. Chairman, — I may not understand it correctly, — the committee intended to visit the institution again, having heard but one side. I believe there was one witness who was called there who was called through some misunderstanding. Now, if we are going there again we can hear this person and any others that may have complaints to make. But, Mr. Chairman, and I make it as an honest and earnest appeal to the committee, don't vote to direct either the commissioners or the superintendent in this matter; and I do not believe, Mr. Chairman, that if we did so vote to direct, either the commissioners or the superintendent would do it. It is against good order, and certainly against the safety of the citizens whom we are here to protect. I trust, Mr. Chairman, that my friend will modify his motion, that we may hear them all, but not making it so sweeping and so broad.

Ald. LOMASNEY. — Mr. Chairman, I am certainly willing to avail myself of any suggestion that Alderman Lee will make that will

get the facts before this committee. We have been investigating these institutions for very nearly a year, and we have spent two days in the House of Correction. During this entire year no system has been adopted by the committee by which the prisoners in that institution who had any complaint to make were notified; and before we opened the first hearing there, Mr. Chairman, you will recall that I said to you, "How do you propose to have these prisoners notified that they have an opportunity to come before the committee?" You said, "Let every person call the witnesses." And I called one person who wrote me a letter. He was the only person, Mr. Chairman, that I called. I have on a piece of paper eight or ten other prisoners whose names are on letters from that institution. Not one of those people has been called. Now, I do not propose — I would not be a party and I know this committee would not be a party to anything that would destroy the discipline of that institution, and I am ready here and now to vote for any man that will secure the prisoners in that institution an opportunity to appear before the committee. Presumably, Mr. Chairman, they had known that we were there, but how do we know that? Let us admit, for the sake of argument, that they did know, — then this letter disproves it. Now, Mr. Chairman, I say, pick out any ten, twenty, five — I don't care who they are; but certainly, Mr. Chairman, if you are going to find out anything of the condition of affairs in the House of Correction you must find it out from the inmates as well as the officers. You have heard certain officers testify, — you have heard the deputy superintendent, you have heard officers of the institution, you have heard the physician, — and why shouldn't you hear the inmates? Certainly very few of the officers have any reason to find fault. You don't expect to find them coming up here with tales of woe or of brutality. It is the inmates, and when you get to the inmates, how do you know now that they were aware that this committee was there? No member of this committee went into the prison, no authority, and said they were there and ready to hear them testify. There is no reason to suppose they were notified of that fact, particularly when you get a letter signed by a prisoner showing that he asked to come before this committee and was refused. Now, Mr. Chairman, I believe in discipline. I believe when a person goes to a penal institution he should be made to conform to the laws and live up to the requirements. But I believe he should be protected in his rights as a prisoner, and that he should be subjected to no more brutality or punishment than the statutes authorize. I will accept now, Mr. Chairman, any motion that Alderman Lee may make, that will show these prisoners that we are ready to hear them, and give them an opportunity to come before the committee. That is all I desire. I certainly would not desire to interfere with the discipline of the institution — it must and should be maintained, no matter what the cost. The citizens of Boston would not tolerate any interference with the discipline of the institution. This committee has done nothing during its whole course that would allow any person to suggest that they had any such purpose in view, because we have been careful and prudent, and, Mr. Chairman, the officers of the institution should

see that the prisoners are given an opportunity to appear before us. If they do not, why, Mr. Chairman, you cannot claim that this has been an investigation.

Ald. SANFORD. — I would like to inquire if this committee has not passed a vote to the effect that on or before a certain day all evidence in regard to charges against the institutions should be in, and if that day has not been reached?

The CHAIRMAN. — The vote passed by the committee, if the Chair recollects aright, was that in the sense of the committee all evidence in relation to charges should be ended on or before the 15th of November.

Ald. LEE. — I quite agree with the ruling of the Chair upon the question raised by Chairman Sanford; but, as I understood that vote, Mr. Chairman, we were to close the investigation so far as the material and the witnesses they had on hand was concerned. But here is something that comes to light now and I am going to ask now, Mr. Chairman, and through you, just one question, and then I will try with Alderman Lomasney to frame a motion that I think will carry into effect what he desires, and what I believe every member of this committee desires — to have the fullest investigations, and not bar anybody out that may want to be heard, but to hear them all before we come to our conclusions. As I read this letter directed to Alderman Lomasney, dated November 18, 1894, and directed here to City Hall to him, the writer says, "I was refused to see the Investigation Committee when they were here." Now, Mr. Chairman, I would like to ask, through you, — and I don't think that I am getting at all away from the line of the investigation, — one question from the superintendent now. I hardly think there will be any objection to that question. He may answer it yes or no, simply that.

Mr. PROCTOR. — I will answer for him.

Ald. LEE. — I think he had better answer that.

The CHAIRMAN. — Colonel Whiton, the superintendent, is here. If he thinks proper he can answer the question of Alderman Lee.

Ald. LEE. — Edward S. Felton says in this letter, "I was refused to see the Investigation Committee when they were here." Now, that is a simple question and I don't propose, in asking him that question, to allow any cross-examination at the present time, and I don't think anybody wants it. We want to go right.

Mr. PROCTOR. — What is the question?

Ald. LEE. — I wanted to ask, through the chairman of this committee, of the Superintendent of the House of Correction, if Edward T. or Edward S. Felton — I think it is Edward S. Felton — was refused the opportunity of appearing before the committee, or if he asked, from the superintendent or any of the officers, to his knowledge, to appear before the committee at any time during this investigation? I believe we were over there, how many times, Mr. Chairman?

The CHAIRMAN. — Two days.

Ald. LEE. — Simply yes or no.

Col. WHITON. — Mr. Chairman, the deputy told me after you had gone, that Felton had requested to see the committee. I told

him, as I understood it, that if the committee wanted him they would call him. I will say, further, that he has not asked me to write to the alderman. If he had I should have given him permission.

Ald. LEE. — Now, Mr. Chairman, I think the alderman had better ask that his motion might be referred to the whole board, and that we determine what course we will pursue in order to get at the various witnesses we may have letters from or may want to hear. I have some, Mr. Chairman. I have had some information, and I am sorry I haven't the letters with me. I propose, through the courtesy and the kindness of the chairman here,— whom I know will agree with me in this matter, — that each and every member who may want to hear any prisoners there may have an opportunity to do so. I do not desire to make the motion, unless it is agreeable to Alderman Lomasney. I believe we ought to refer that to committee of the whole, and we can there discuss the best and safest way for us to proceed in hearing the prisoners.

The CHAIRMAN. — Does the alderman mean to refer it to the committee?

Ald. LEE. — The whole board, the whole committee in executive session.

Ald. BARRY. — To be acted upon this afternoon?

Ald. LEE. — At any time the committee desires to act upon it in executive session.

The CHAIRMAN. — The Chair cannot see but what the communication and the remarks are before the committee now. The Chair cannot understand what the alderman means by referring it to the committee.

Ald. LEE. — Well, I may be a little thick, Mr. Chairman. I do not doubt that I am. I always have to admit that. But as I understand it, a motion has been made here by Alderman Lomasney, and arguments have been made for the motion and have been made against it. Now, my position is that I think the motion is too broad and too sweeping. In order that we may get at the matter, and not only satisfy Alderman Lomasney, but everybody interested, — and especially the committee, Mr. Chairman, who are the most interested, as they must make up their verdict, — I move that that matter be referred to the whole committee, and that they determine which is the best way rather than his way of getting at the prisoners and bringing them before the committee, rather than having somebody going into the shops and standing there and saying, "Who has got any complaint to make?" That is my idea. I think we can argue in committee and can arrive at a conclusion that will be satisfactory to each and every one.

The CHAIRMAN. — I suppose the alderman means that it be laid on the table and acted upon possibly at some executive session?

Ald. LEE. — Yes, or referred to the committee when in executive session. That, I suppose, Mr. Chairman, would be parliamentary.

Ald. LOMASNEY. — Mr. Chairman, I am perfectly willing to agree to anything that Alderman Lee says in regard to that, so long as we have an opportunity to hear what the prisoners have

to say. If they have any complaints to make we want to hear them. I simply call your attention to the fact that the answer of the superintendent himself is the best argument in the world why some motion having that end in view should be adopted, so that we can find out if the prisoners have any complaints to make, because he says himself that the deputy told the prisoner that if the committee desired to hear him, they would call him. Now, if that is the presumption of the institution, that, of course, shows that they have been entirely wrong, because the prisoners should be told that they have an opportunity to complain, if they have any complaints to make. There should be some means of conveying that information to them without creating any disorder or any disturbance, and I am willing to agree to anything that Alderman Lee or any other member of this committee suggests. In regard to protecting the discipline of the institution, we are just as much interested in that as is His Honor the Mayor, the directors, or any person connected with the institutions.

Mr. PROCTOR. — I would like to say one word, for fear there might be a misapprehension on the part of some of those members of the Board of Aldermen who did not happen to be at the House of Correction at the time the investigation was going on there. Let me say that, as we were informed, and as we informed our clients, the aldermen and the counsel representing parties opposed to the present management had a list of those who wished to be heard. Those people were called, and no obstacle, so far as my knowledge goes, was interposed in the way of everyone being heard. But there was no provision made and no request was made of us or of our clients as to any others than those whom the committee called. That being so, I am unable to see how there can be any unfavorable comment made upon the action of the master or of the deputy master. I merely wish to say this by way of explanation.

Mr. RILEY. — Mr. Chairman, let me call your attention to this fact, that from the opening of the investigation until this hour we have never asked for delay or postponement. If delay has taken place it has been on request of the other side. Now, then, the investigation at the House of Correction, I must say in all fairness, was rather unsatisfactory to me, for this reason: I did not have a list of the witnesses who desired to testify, and I didn't know where to get one if one were in existence. We simply went into the enemy's camp and sought for what information we could get under adverse circumstances. While over there I had an idea that perhaps we might go through the shops and those prisoners there might know that we were there and that there was a chance for them to make complaint if they saw fit. That was not done. Now, if there be any question as to whether the maintenance of good order in that institution would be disturbed by giving information to the prisoners that they may appear before the committee if they desire, I would like to ask the master, who is present, two or three questions on that subject. If he says that if that thing be done it is apt to promote a riot, I will then ask him if he thinks that he and his officers are fit to control such an institution if a riot can be brought about upon such slight provocation. It seems to me that this man

Felton, if he has a complaint to make, that he and those like him ought to have a chance to be heard; and to say to a prisoner that the committee will call him in if it wants to hear him, when the committee and the counsel for the investigation did not even have his name, is not giving him any opportunity to be heard at all. It seems to me, gentlemen, that time is of very little consequence when the great object is to do justice and to reform abuses, if they be found to exist. You ought to give those prisoners a chance to appear before you.

The CHAIRMAN. — I understand that Alderman Lee has made a motion, which has been accepted by Alderman Lomasney, that the matter be laid upon the table and action be taken thereon at some executive session of this committee.

Ald. LOMASNEY. — Why not settle this now? We have gone out of this room and have had executive sessions before. This is an important question. If you do not decide upon some action at the present time, I suppose as far as the House of Correction is concerned, any other evidence from the House of Correction, it is ended.

Ald. LEE. — No, no, I don't so understand it, Mr. Chairman.

Ald. LOMASNEY. — Then I withdraw it.

Ald. LEE. — I will ask the Chair if he understood it that way. I may have somebody I want to bring in, and I claim that right certainly as a member of this Investigating Committee. Here is a letter here; a man wants to be heard. I propose, as one member of this committee, to hear him. I think I have two that I want to have heard. I will never vote to stop hearing any other evidence here. But let us go on by some other method or means of getting the information to the prisoners besides such a sweeping act as to go into a shop when the prisoners are there and say, "Do you want to be heard? The committee is in session." I think other ways could be devised. I don't think there will be any trouble when we go into executive session in settling that question and going on. We can take a day, or more, if necessary. I don't suppose there would be any trouble about it even if we did break in. It is for this committee to determine — not for Mr. Riley or Mr. Proctor to say to the committee, "We shall not do so and so," because I suppose if the majority of this committee vote that we go to the House of Correction on a certain day, a specific day, to hear Mr. Felton, Mr. Jones, or Mr. Brown, whom I want to hear, perhaps, that the members of the committee would grant it, and I don't think there would be any serious objection by the counsel on either side.

The CHAIRMAN. — The question is on Alderman Lee's motion to lay the motion made by Alderman Lomasney, together with the communication, upon the table.

Alderman Lee's motion was carried.

Ald. LOMASNEY. — Now, Mr. Chairman, I summoned early in this hearing two or three witnesses from Marcella-street Home. They have been here several times, but they have not been heard. Two of them are matrons. I don't know as any person will object, but I do not want the counsel for the defence to proceed without

knowing what they may have to meet. These people have been here several times and I don't know whether they are here to-day or not. One is a lady named Clancy and the other named Morrow. I do not know the persons. I simply want to call them now and ask a few questions, — not taking up five minutes, — if there is no objection.

The CHAIRMAN. — Does the alderman know whether those parties are present?

Ald. LOMASNEY. — No, sir; don't know them. If you want to know the reasons why I desire to call them, I will state them.

Ald. SANFORD. — Let us find out if they are here.

The CHAIRMAN. — Is either Annie Clancy or Annie Morrow present in the room? (No response.) Is either of the parties in the room? (No response.) They do not appear to be present.

Ald. LOMASNEY. — Now, Mr. Chairman, I asked the clerk of committees to summon those people, and I understood they were summoned. I desire to say that I think the committee ought to hear them when they come. The other person was one named Benjamin O. Low, who was summoned here, not until yesterday, but the others were summoned early in the summer. I would like to ask the committee to vote that if at any time they appear, they be allowed to testify; and I move, Mr. Chairman, that the Commissioners of Public Institutions be requested to direct those persons to appear before us — Annie Clancy and Annie Morrow.

Mr. CURTIS. — Mr. Chairman, I assumed that when the time came for us to open this case we were going to be allowed to proceed and to try it in an orderly and quiet manner, the same as the prosecution have been given an opportunity to do. I do not think it is proper that the committee should be asked to have such evidence brought in when we have opened our case, until the time comes for rebuttal. The committee voted that the case should be closed for the prosecution and that we should be allowed to open to-day, and what the reason is at this late minute for suggesting such action, I do not know. But I do think the committee owes us the duty that when we have opened this case and have proceeded to put on our witnesses we shall be allowed to go on to the conclusion in an orderly, regular manner. If they have anything to offer in rebuttal, Mr. Riley knows, of course, that he can offer it, or anybody else. I don't think Mr. Riley wants to interrupt us.

Mr. RILEY. — I want to investigate this matter, and there was one witness in reference to the Charlestown Almshouse whom I had here one day, and who has been shut out. I want to get him in.

Mr. CURTIS. — Well, there will always be an excuse for getting in additional witnesses, and that sort of thing can be kept up for an indefinite time. But I supposed that when the time had come for the winding up of the prosecution, according to the vote of the committee, we would then have an opportunity to go on with our defence. We now ask to be allowed to do so. You can always find straggling witnesses, and might keep it up here until next summer. But of course we submit to the vote of the committee.

Whatever the committee desire to do we are satisfied with without further argument.

MR. HENRY V. CUNNINGHAM. — Mr. Chairman and gentlemen of the committee, I appear not for the purpose of entering the investigation at this time, but I have been consulted by the witnesses whom Alderman Lomasney suggests have been notified to appear here this afternoon. Early in the summer and spring these witnesses were summoned several days, and were always in attendance here when so summoned. I think they were in attendance some half a dozen days, or at, at least, half a dozen hearings. I don't know that they have been summoned here to-day. They are not here. I don't know whether Alderman Lomasney can tell me whether or not they have been summoned.

ALD. LOMASNEY. — Mr. Chairman, I talked with the Clerk of Committees and told him to notify also Mr. Cunningham that these witnesses were summoned, because I recognized the fact that Mr. Cunningham represented the officers of the institution there, and Mr. Brawley told me he would notify Mr. Cunningham that the witnesses were summoned. It is as you say, that they were summoned early in the year; and in regard to what Mr. Curtis says about the vote of this committee, I understood on that day that the vote was that the prosecution, so far as Mr. Riley was concerned, should end on a certain day. This is no prosecution.

MR. CURTIS. — We are not questioning that, alderman. We will stand by what the records show.

ALD. LOMASNEY. — I am telling what I understood in the committee when the vote was passed. It was well understood that if the evidence was in such shape that a day, or two or three days additional were necessary, it would of course be allowed, rather than put the defence in the position of not knowing what it had to meet before opening up. We agreed to that, but it was felt by the members of the committee that there should be some date set. And that was the understanding. The date was set, with the private understanding that if anything developed which made it necessary for us to give a day or two afterwards to additional testimony there would be no question about allowing it. If I am not correct the chairman will correct me, but I so understood it, and I understood that Mr. Brawley would notify Mr. Cunningham and would also summon the witnesses. If he has not done it —

MR. CUNNINGHAM. — Have the witnesses been summoned?

ALD. LOMASNEY. — I don't know. He said they would be. I have not seen Mr. Brawley since I saw him yesterday about it. He said then he would notify you and the witnesses.

THE CHAIRMAN. — Can the clerk inform the committee whether those witnesses have been summoned?

MR. HILLARD. — Nothing has been said to me about it.

MR. RILEY. — For whom does Mr. Cunningham appear?

MR. CUNNINGHAM. — I appear for the witnesses, to advise them what their rights are. Of course, if they have been summoned to-day —

ALD. LOMASNEY. — I don't claim they have.

Mr. RILEY. — Are you able to tell what the rights of the witnesses are?

Mr. CUNNINGHAM. — I should like an opportunity to test it, Brother Riley.

Mr. PROCTOR. — I never understood that they had any that you were bound to respect.

Mr. CUNNINGHAM. — Or you.

The CHAIRMAN. — Does the Chair understand that Alderman Lomasney has made any motion?

Ald. LOMASNEY. — Well, Mr. Chairman, I certainly don't want to take any unfair advantage of the gentlemen who represent the defence of the Commissioners of Public Institutions, but I think that, at the suggestion of certain aldermen, I will move that the committee hear Benjamin O. Low, Annie Clancy, and Annie Morrow, some time before this investigation closes. I understand — I know nothing about it — that these people are attendants in the institution and have seen children eaten by rats. I don't know whether that is so or not. If so, we ought to know it. If it is not so, let the citizens of Boston know that it has been denied and refuted. That is what I understand has been said — that they have seen children in the institution eaten by rats.

Mr. CUNNINGHAM. — I don't think the alderman ought to say that now. That isn't evidence.

The CHAIRMAN. — Does Mr. Cunningham appear for the institutions?

Mr. CUNNINGHAM. — I might appear for one, if it becomes necessary.

The CHAIRMAN. — It has not come before the committee that Mr. Cunningham is recognized here as counsel for any of the institutions.

Mr. CUNNINGHAM. — I certainly appear for the Marcella-street Home, under the statement of mismanagement which is made.

The CHAIRMAN. — Alderman Lomasney makes a motion that before this investigation closes the three witnesses he has named be heard.

Ald. LEE. — Now, what in the name of high Heaven is the good of putting a motion of that kind? I propose, if I have anybody that wants to be heard; that they shall be heard, and I think you will agree with me, Mr. Chairman.

The CHAIRMAN. — The Chair wishes to inform the alderman that the Chair is here to put whatever motion, provided it is a proper motion, that any member of the committee makes, whether it is perhaps foolish or not. The Chair is not to take any side in that matter or to form any judgment.

Ald. LEE. — Mr. Chairman, I think I am the only alderman on the committee that will agree with you. I believe you are fair, honest, and intend to do what is right; but I also believe that when a motion is made it is not within the power of any member of the committee to discuss the merits or demerits of that motion until it is proposed by the Chair, the Chair being the mouthpiece of the committee. Therefore, Mr. Chairman, I am not objecting to the motion as the Chair states it, because I think I have intel-

lect enough to understand the English language as it applies to the form in which the alderman on my left has made the motion; but I do say, Mr. Chairman, that it is the height of folly for a committee to sit here and pass a vote of that kind. I simply, Mr. Chairman assign this ground, that if there is any person who desires to be heard, whether he is for the prosecution or for the defence, I propose, as one member of this committee. Mr. Chairman, to assert my rights here. As I have said, Mr. Chairman, — and I think I voice your sentiments as chairman of this committee — I desire to have extended to me that right, when I ask it, and I believe every member of the committee would vote with me in that respect. It is simply a question of whether this committee has any right to ask to have certain parties heard, aside from the rights which belong to the prosecution and to the defence. If this committee have any rights in the premises they have the right to bring in witnesses here and have them testify to what they know, whether for or against the institutions. Mr. Chairman, I am sorry that the gentleman made the motion. I think when he takes a second thought he will withdraw it, and stand here and assert his rights at the proper time.

Ald. LOMASNEY. — Mr. Chairman, I am willing to take Alderman Lee's view of that. I made the motion at the urgent request of Alderman Sanford, who is a lawyer, and who, I thought, understood the question a great deal better than I did. When he said to make that motion, I made it, Mr. Chairman. I have been fighting all along for certain rights. I am satisfied if you leave it that way. I do not care, only this, Mr. Chairman: I do not want any person afterwards to claim that any unfair advantage has been taken of him, because we have seen all along in this investigation where certain people were refused to take the stand upon the ground that they wanted to know what all the evidence was before they would begin their defence. I certainly agree to that proposition. I think the counsel for the defence should not be called upon to meet something that is not squarely put before them. Consequently I am in favor of allowing them to hear everything that can be said against either side of the case before they shall be called upon to present theirs. That is certainly fair, and that is the reason, Mr. Chairman, why I made the motion at Alderman Sanford's suggestion. Of course, I am willing to take any suggestion from Alderman Lee or any other alderman, if I am wrong. I don't care what you do with the motion, only with the understanding that the counsel and Commissioners shall not feel that any unfair advantage is taken of them if these people are called at any other time. That is all.

Mr. CURTIS. — Neither the counsel for the Commissioners nor any superintendent thinks that any unfair advantage has been taken of them at any time by this committee, and have no complaint to make. We will go on and open our case, and proceed with it; and when we get through, if the gentlemen want to offer anything in rebuttal or to call any witnesses we have no objection to it.

Mr. RILEY. — Well, but when will you get through?

Mr. CURTIS. — Well, Brother Riley, we haven't put any limitation on you, and your case has been dragging along since the 15th of March. I guess we will get through as soon as you did.

The CHAIRMAN. — Does Alderman Lomasney desire to withdraw the motion?

Ald. LOMASNEY. — Mr. Chairman, with the understanding among the members of the committee that the committee shall at any time have a right before this hearing closes to call any person we may desire to call, I will withdraw that motion.

The CHAIRMAN. — Has any member of the committee anything further to-day? (No response.)

OPENING STATEMENT BY WILLIAM GARDNER REED, ESQ.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: First thanking you for the many courtesies received at your hand since the beginning of these hearings, I will outline as briefly as possible our reply to the charges which have been made here so freely and at times it would appear almost recklessly. At the first hearing the learned counsel for the public-spirited citizens who are so conspicuous in this investigation told us that they were here to throw light "upon a very dark spot in Boston," that they were proceeding against abuses, and if given an opportunity would tell us what the charges were. "Let the charges be heard," said he, "and if they are improper, if they are unfounded, cross-examination and evidence in rebuttal will dispose of them quickly." Mrs. Roland C. Lincoln, of Manchester, then took the witness-stand and read her charges and testimony, taking you back to the days of the Austin Farm as a poor-house where she had but then "with sadness and bitterness turned her back upon her old friend" and tenant, Margaret Mulhearn. Passing from Austin Farm to Long and Rainsford Islands you will remember how in detail she criticised the buildings, the food, and the management in general. Were these charges proper? Did they rest on good foundation? Let us see. Counsel has named the test. Here it is: "If the charges are improper, if they are unfounded, cross-examination and evidence in rebuttal will dispose of them quickly." At the second hearing we began the application of this test. Mrs. Lincoln was cross-examined. It then appeared that many things criticised by her as improper had at the time of her criticism long ago been changed, as, for example, the old institution hospital at Rainsford Island. That, as you know, gentlemen, is a thing of the past, and one who calls attention to it now does so only for the purpose of finding fault and not to aid the unfortunate poor. Long before the beginning of this investigation, the institution had outgrown that old hospital, and a new hospital had been built on Long Island and was in full operation. The old hospital building on Rainsford Island, after remaining unoccupied for more than a year, has been transformed into a summer hospital for children and stands there a mute witness to the kindness, the forethought, and the excellent judgment of the Commissioners of Public Institutions. Let me read what the Boston "Transcript," of August 8, 1894, said of this:

THE CITY DOWN THE HARBOR.

The real enthusiasm with which all concerned have thrown themselves into the fitting up of the old Rainsford Island Hospital, the Acropolis-like structure, always a picturesque object in the lower harbor — for the ailing babies and poor mothers of the city, has resulted in a demonstration of the resources of Boston in men and material that ought to gladden and make proud all who have the best interests of the municipality at heart. At the call of Dr. Ernst, whose hospital duty made him specially aware of the crying need for more than one-day outings on a floating hospital for the dying infants of the poor, Dr. Jenks has so effectually employed the machinery and materials of the city islands that in four days' time the new institution has arisen freshly whitewashed or painted, equipped and furnished to the last bottle of the dispensary. The enthusiasm of young doctors and of the good sisters of St. Margaret's has sufficed to organize the force in readiness for the first installment of patients to-day. The public will do the rest, as Dr. Ernst's report of subscriptions to-day sufficiently attests. Dr. Jenks' habits of intense and indefatigable personal attention to details has certainly stood the public in good stead in this emergency.

Neglect, improper treatment, uninviting food, squalor and wretchedness are charged, while at the head of the institution was a man whose very name is synonymous with kindness and faithful performance of every duty, a man well known to the citizens of Boston as a tried and true public servant, a man than whom no one has received more abundantly the blessings of the poor. Mrs. Lincoln herself discredited these charges when, in answer to the question put to her on cross-examination, "Can you tell me who was superintendent then at Long Island?" she replied, "John Galvin."

It was during his term as superintendent at Long Island that, on a certain day in March, 1893, as Mrs. Lincoln says, "Two patients, both helplessly ill, are to be landed on Long Island. The weather is stormy, blowing a gale. No ambulance is ready to meet the boat. The unfortunate women have to remain on board while it goes to Rainsford Island and returns to Long Island because of the delay in preparing the ambulance. A little foresight, a little consideration, would have appraised the authorities that two sick and helpless patients were expected." That is her statement, and that her criticism. Both are unfair and unjust. Mrs. Lincoln, and Mrs. Lincoln alone, was responsible for that occurrence. She took those women to Long Island on that stormy day. She was met at the boat by the physician in charge of the hospital at Long Island. She was told by him that the hospital was full and these two women would be cared for at Rainsford Island, but she insisted that beds be provided in the hospital at Long Island, and Superintendent Galvin yielded to her demand and crowded two more beds into the wards where Mrs. Lincoln decided these patients must go. It was not the work of a moment to provide these beds and to crowd together still further the already crowded patients in the ward selected by Mrs. Lincoln for these two women. What was to be done? Should the boat be held at Long Island pending these preparations? Certainly not. The proper thing to be done under the circumstances was done. The boat made her trip to Rainsford Island and returned, and then these unfortunate old women were properly

and kindly taken on shore at Long Island. The original plan of the physician to send them to Rainsford Island, where they would have been just as kindly cared for as at Long Island, was the proper plan. Out of consideration for Mrs. Lincoln, Superintendent Galvin changed that plan to conform to her wishes, although against the judgment of the physician in charge, and now she shows her appreciation of that kind treatment by publicly charging the management of the institution with that for which she alone was responsible.

Coming down to more recent times, as she says, her first complaint is of the food, and she would have you believe that she presents to you a sample of the tea, and along with it a specimen of the breakfast. She does not, in fact, present either a sample of the tea or a specimen of the breakfast. She presents she knows not what, — two bottles given her by a man who has served term after term in the penal institutions of this county and of this city, a man in whom she herself has looked in vain for some capacity to tell the truth; and with these vials she brings to you the statement of this man as evidence to support her charges. We shall show you just what kind of food is supplied for the inmates of this institution and how it is prepared. We say they have had nothing but good food and plenty of it, and that it is and has always been well prepared and served.

By Mrs. Lincoln's own statements, it appears that her complaints have usually met with attention, and she leaves the witness-stand with the following complaints disregarded:

Nothing done to remedy the absence of fire-escapes, not enough assistance, too many people in one ward, institution building not ventilated, not as much improvement in cleanliness as she would like, no telephone connection, imperfect water-supply, and firepump not connected with water-supply.

We take issue with Mrs. Lincoln on her statements, except so far as they apply to the telephone, water-supply, and ventilation of the main building, and as to these matters, we say: First, that the telephone is in working order, and was put in order with all possible despatch. Neither the Commissioners nor the superintendent were guilty of any negligence in that respect, and no responsibility attaches to them, or either of them, for the interruption which occurred in the service. Even before the cable became entirely useless the Commissioners took action. You have before you the letter of the Telephone Company, dated July 22, strongly advising against undertaking to repair the old cable, and declining to assume any responsibility, whatever, in case it should be determined to try the experiment of repairing. In this letter the Company reiterates a recommendation previously made that a new cable be laid. The matter was then considered by the Commissioners and the Board of Health, and it was decided to ask for an appropriation sufficient to defray the expense of laying a new cable from Deer Island to Long and Gallops. Accordingly the following communication was sent to the Mayor by the Commissioners of Public Institutions and Board of Health:

HEALTH DEPARTMENT,
12 BEACON ST., BOSTON, September 29, 1893.

HON. NATHAN MATTHEWS, JR., *Mayor*:

DEAR SIR: The Commissioners of Public Institutions and the Board of Health respectfully request an appropriation of \$4,500 to defray the expenses of laying a new cable between Deer Island and Long Island, thence to connect with Gallops and Rainsford for the purpose of supplying telephonic facilities on these islands. The cable that was laid four years ago has been broken and is unfit for further service, and it is no longer possible to obtain telephonic communication from the city to either of these islands.

We are advised by the telephone company that it will not be possible to repair the present cable.

Very respectfully,

For the Commissioners of Public Institutions,

THOMAS L. JENKS,
Chairman.

FOR THE BOARD OF HEALTH,

SAM'L H. DURGIN,
Chairman.

As soon as the money could be obtained that fact was communicated to the Commissioners of Public Institutions, the new cable was supplied, and telephonic communication with Long Island restored, to continue, we hope, indefinitely. It is not at all certain, however, that it will continue ten days. No one can tell how soon some vessel anchoring near the cable may again injure it and make it useless.

Next, as to the water supply, that is no more within the control of the Commissioners of Public Institutions than is the supply to your own houses under your control. The institution at Long Island is a purchaser of water from the Water Department exactly as any other water taker in the city. The pipes which supply Long Island are not the property of the Public Institutions Department, were not laid by that department, and are not under its control. They were laid and are controlled by the Water Department of the city, precisely as are all other water-supply pipes in the city. Upon failure of the supply at Long Island the Water Board has at once been notified and the trouble remedied as soon as possible, and meanwhile the water boat has supplied the island with water. Everything has been done that could be done by the Commissioners, and there is no foundation for any complaint against them on this score.

Then as to the ventilation of the institution building. That has been improved, and will, at no distant day, be made as nearly perfect as possible. The Commissioners, with the aid of the best experts, have devised a remedy for that defect in the construction of the building for which no paid commissioner can be held responsible, the building having been erected prior to 1889. They have perfected a plan for the better ventilation of the entire building, and as soon as the money can be obtained to pay for it, the plan will be executed.

That there might have been more perfect protection against fire is true, and recognizing that fact the Commissioners obtained authority to expend money in providing standpipes throughout the

institution building. Mrs. Lincoln sought information from inmate Simpson, whose record has been placed before you, and she and others reported to you on that information that the fire pump was not connected with the water-supply. This report was not correct. The smaller pump was connected with the water-supply as it was intended it should be. The larger pump was not connected and it was not intended that it should be until the standpipes were ready for use. The standpipes are now in use; the large fire-pump is connected and the work of the Commissioners in this respect is complete. Had Mrs. Lincoln or the Board of Visitors applied to the superintendent or to the Commissioners instead of to the inmate Simpson for their information, they would not have made this blunder. And this is typical, gentlemen, of the information on which all of these charges rest, — information surreptitiously obtained from questionable sources. Mrs. Lincoln and the visitors, Mrs. Evans, Mr. Ring, Mr. Farmer, and Dr. Putnam, have relied upon Dr. Parker and Mr. McCaffrey, and inmates Coakley, Simpson, Dooley, and Doran for their information, and have accepted the statements of these prejudiced and irresponsible persons without verification or confirmation, when in the great number of instances a brief inquiry into the facts would have disproved their statements entirely. Mrs. Lincoln and Mrs. Evans received almost daily bulletins from Simpson, Coakley, Doran, or Dr. Parker, and Dooley, the cook's helper, was Mr. Ring's intimate and confidential friend.

Mr. RING. — No.

The CHAIRMAN. — What is that?

Mr. RING. — I say I never spoke a word to Mr. Dooley.

The CHAIRMAN. — The gentleman must not interrupt.

Ald. LEE. — It may be another Ring, Mr. Chairman.

Mr. REED. — Mr. Farmer, according to his own testimony, went first to Coakley for information, and then issued orders himself to inmates and employees. What wonder is there that the discipline at Long Island was a subject of criticism, while such influences were supporting Dr. Parker in his insubordination, and encouraging McCaffrey, Coakley, Simpson, Doran, and Dooley to assist in undermining the superintendent?

Mrs. Lincoln comments on lack of fire-escapes, when the fact is there are plenty. At each end of each ward in the main building a fire-proof wall encloses an iron staircase. What better fire-escapes than these? Can it be possible that Mrs. Lincoln did not know of these, and made the statement that there was a lack of fire-escapes because she didn't see iron ladders hung on the outside of the building?

Whether at the close of Mrs. Lincoln's testimony her counsel was convinced that cross-examination had shown her charges to be improper and unfounded I do not know; but at the next hearing he made a new start, and abandoning the position taken at the first hearing that no attack was to be made upon any officer or individual in official position, an unwarranted attack was begun upon the Commissioners and upon the present superintendent. This attack rests principally upon the statements of Mr. McCaffrey and

Dr. Parker. Many of the statements made by counsel in his opening at the third hearing are, however, entirely without support in the evidence. He says, for instance, that on the first day of February, 1894, there were ninety-four inmates in the infirmary. That is far from a correct statement. We shall show you that on that date there were more than one hundred and ninety-four inmates in the infirmary wards.

Lack of classification is charged. We shall show you that so far as it is possible under present conditions there is classification. The sick are separated from the well, the males from the females; and with the completion of the new building now in process of erection that separation will be more complete. There is no workhouse at Long Island. The workhouse is at Deer Island, where it was removed from South Boston in 1845. No workhouse is authorized at Long Island. The Commissioners would at any time have gladly informed their critics of these facts had they but known that this information was lacking. There seems to be a difference of opinion as to the authority of the Commissioners to compel labor by paupers. The Commissioners have sought to learn their authority in this respect under existing laws. It appears to have been the opinion of the Law Department of the city that a pauper could not be punished for refusal to work. In 1892, when the Special Committee appointed by the Mayor, together with the Commissioners, had this subject under consideration, the chairman of that committee obtained the written opinion of the Corporation Counsel. This opinion was clearly that the Commissioners could not compel labor.

I will read it:

CITY OF BOSTON,

OFFICE OF THE CORPORATION COUNSEL, April 30, 1892.

FRANK MORISON, ESQ., *Chairman Investigating Committee of Public Institutions:*

DEAR SIR: In reply to your communication of the 23d inst., I would say that I know of no law under which a pauper in the Long Island Almshouse can be punished for refusal to work. Under the authority which the Commissioners have to establish rules and regulations for the government of the almshouse, I am of the opinion that it might be made an object for the able-bodied paupers to work, by providing that if they refused so to do, that they should be deprived of certain privileges and their diet be limited.

Second. When a pauper who is sane wishes to leave the institution and refuses to work, saying that he wants to be discharged, I know of no authority to detain him for punishment.

Third. I understand that the paupers at the State Almshouse are punished for refusal to work under the authority of rules established by the Trustees and approved by the Governor. I should doubt very much as to the right of a superintendent of a State almshouse to punish a pauper who refuses to work and requests to be discharged; but that is a matter for the State Board of Charities and the superintendent to decide, and not a law officer of the city of Boston.

Very truly,

THOMAS M. BABSON,
Corporation Counsel.

Acting upon that opinion the chairman of that special committee, the chairman of the Commissioners, and the City Solicitor worked together on a draft of a bill for the Legislature of 1892 which

would give that authority. The time for introducing new business into the Legislature expired before that draft was complete and nothing was done that year. The Commissioners have, therefore, been guided by that opinion of the Corporation Counsel as they were bound to be. That told them that they could not legally compel paupers to labor. Even at the request of the Board of Visitors the Commissioners would not have been justified in disregarding such an emphatic opinion from the Law Department of the city. On May 22, last, in response to inquires by this board, the same Corporation Counsel writes as follows :

CITY OF BOSTON,
OFFICE OF THE CORPORATION COUNSEL, May 22, 1894.

MESSRS. CHARLES W. HALLSTROM, ALPHEUS SANFORD, CHARLES E. FOLSOM,
AND EDWARD W. PRESHO :

GENTLEMEN: I received Saturday your request for my opinion to the following question: "Have the Commissioners of Public Institutions power to enforce inmate paupers to labor, and if so have they power to punish such paupers who refuse to labor?" My many engagements in court must be my apology for not writing an original opinion in answer to your question. In lieu thereof I send you a copy of a communication which I addressed to the Mayor on the fifteenth day of May, which contains my views on the subject. My answer to your question would be yes, subject to the limitations suggested in the communication of which I send you a copy. Perhaps I ought to say, in justice to the Commissioners of Public Institutions, that although I have never been asked for or given any opinion to any one on this subject until the present month, that last year in conversations both with Mr. Morison, who was then one of the Board of Visitors to the Public Institutions, and Dr. Jenks, I agreed with them that it would be well to get from the Legislature an act making clear a matter about which there was doubt.

Yours truly,

THOMAS M. BABSON,
Corporation Counsel.

And then he encloses a copy of an opinion given by him to the Mayor in direct opposition to that given by him April 30, 1892, which I have just read.

So far as the Corporation Counsel is concerned this seems to be, as he says in his letter of May 22, 1894, a matter about which there is doubt. He himself has given written opinions on both sides of the question. Then take Mr. Farmer's opinion, the lawyer of the Board of Visitors. He tells you he doesn't think any one knows a great deal about this thing any way. And what does Mr. George S. Hale, the oldest and most eminent lawyer of them all, say as to the power of compelling labor: "It seems to me that that ought to be tried under the laws that exist, and that a change should be made in the laws if required." Then again, according to ex-Commissioner Newell, many paupers are fond of work and there is no necessity for compulsion. Is it wise, under the circumstances, to undertake to enforce labor and to punish paupers who refuse? And if the Corporation Counsel's opinion of April 30, 1892, should prove to be correct, would not the official inflicting the punishment be liable to respond in damages to the inmate punished? And in the face of admitted doubt on all sides, and conflicting opinions from the highest law official of

the city, could it be expected that three lay Commissioners should enforce a doubtful rule?

The witnesses who have testified appear to have an entire misconception of the medical organization and management of the hospital. We shall make it plain to you that to treat the class of patients there cared for, the hospital at Long Island is well equipped. At Tewksbury Hospital entirely different conditions prevail. At Blockley entirely different conditions prevail. There are no insane at Long Island. Another institution in Boston receives them. At Tewksbury there is an insane department. Blockley combines within one enclosure what you find at our City Hospital, at our insane asylum, at Rainsford Island, and at Long Island. Gentlemen, such comparisons are absurd. Economy in nurses, economy in surgical instruments, economy in medicines, — these charges are improper and unfounded. We shall show you that the medical organization is proper, that there are sufficient nurses, that the supply of surgical instruments is abundant, and that the very best of medicines are furnished. The charge that a death was due to the administering of medicine to one who should not have received it has already been proved false by the witnesses who have testified. Many other statements of the witness McCaffrey have been shown to be untrue. We shall prove to you that many more are absolutely unreliable. While "testifying to a higher power," as he exclaimed upon the witness-stand, he seems to have forgotten that commandment which says, "Thou shalt not bear false witness against thy neighbor." He testified that he saw Alexander Wallace working about the hospital the evening before he died. That is not true. The man was confined to his room at least ten days before he died. He testified that Wallace was a middle-aged man, forty-five, maybe fifty, years old. That statement is not correct. Wallace was seventy-six years old. Mr. McCaffrey swore positively and insisted upon it that Herrick died December 5th. Another mistake. Herrick died December 7th. McCaffrey says that Dr. Parker told him he thought nurse Hall gave Wallace the wrong medicine, and leaves the impression that this medicine killed Wallace. Both the statement and the inference are without any foundation whatever. Dr. Parker denies making any such statement to McCaffrey, and Wallace had no medicine at all that night. Mr. McCaffrey says that he started to put up shelves in the hospital for potted plants and that Dr. Cogswell stopped him. That is not true, but even if it were true it would be perfectly proper. Dr. Cogswell's judgment should control in a matter of that kind. He says that Dr. Cogswell and Dr. Dever were guilty of neglect in the case of the McDonough woman, and tells you that Dr. Cogswell said to him that if Dr. Dever had been called twenty minutes sooner he could have saved her life, and not to say anything about it. We shall show you that there is no truth in this statement. The woman did not die in childbirth, as McCaffrey would have you believe. It was long after the child was born that convulsions began. Both Dr. Dever and Dr. Cogswell were in attendance upon her. Everything known to medical science was done for her and

done without delay. Her life could not have been saved, and Dr. Cogswell never said to McCaffrey nor anybody else that it could.

Mr. McCaffrey has told you that he proposed to divide the institution building vertically, and thus separate the women from the men, and that Dr. Cogswell refused to do it. He never made any such proposition. That plan was suggested and worked out by the City Architect, and was abandoned only when the new building for women, which is now nearly done, was assured. McCaffrey may have heard of the plan and may have talked about it, but that is all.

There was a mistake made in the burial of Frederick Rallion. The body was put in the wrong grave. For this mistake McCaffrey at first said he would take the blame upon his shoulders. That was right. For this, the only mistake that has been made in the burials at Long Island, McCaffrey was responsible. His neglect of duty made it possible. But he was not content to leave it so. Later in his testimony he swore positively that as he was on his way to the graveyard to attend to this matter personally, Dr. Cogswell came along and sent him up to the barn. This latter statement is absolutely and unqualifiedly false. Frederick Rallion died on the 8th of October, 1891, and was buried on the 13th of October, 1893, and Dr. Cogswell was not on Long Island on either of these dates. He left Long Island for the much-needed vacation to which he was entitled under the ordinances on Oct. 6, 1893, and did not return until Oct. 17, 1893.

This witness McCaffrey has testified under oath on another occasion in relation to some of the matters concerning which he testified here. At this former hearing he swore he saw Smith drunk on Long Island May 21 and December 22. He now swears positively that he was not on Long Island on Sunday except when Dr. Cogswell was away in October, and that he last saw Smith drunk on Long Island December 7. May 21 was Sunday. It remains, therefore, that McCaffrey has sworn falsely either at the former hearing or at this hearing.

A change seems to have come over the spirit of McCaffrey's dreams. We shall show you that during the summer when, according to the story which he tells here, things were going so badly at Long Island, this same McCaffrey was loud in his praise of the superintendent, loud in his praise of the kind treatment of the inmates, and loud in his praise of the institution in general. The heat of this investigation seems to have brought conversion to him also, and according to the testimony of the members of the Committee of Visitors he has been active since his conversion in furnishing them with material for their special report of February 16. In fact, the whole report seems to be based on information furnished by Mr. McCaffrey and Dr. Parker, who has been converted also. — converted to sow the seed of discontent among the inmates and officials of the institution. Dr. Parker's conversion took place about Christmas time, 1893. According to his own testimony it came about in this way. Dr. Cogswell refused him a vacation the week before Christmas. He immediately made an attack on Dr. Cogswell before the Commissioners. There he was told to put his complaint

in writing. This he declined to do. And why? He had decided that he would be converted by the heat of the coming investigation, and within two weeks we find him in Boston making his confessions to the Board of Visitors, telling them the stories which they have incorporated in their report to the Mayor, and which they now admit are mistakes. Their report abounds in mistakes. They begin by stating incorrectly the number of men and women in the infirmary wards. They err in stating that the infirmary and nursery wards can be ventilated only by the windows. They err in stating that many of the inmates in the infirmary are bedridden. Their statements in regard to the flannel for petticoats, in regard to surgical instruments, in regard to medicines, in regard to diets, in regard to not giving milk in tea and coffee, in regard to cutting down diets, in regard to discharging patients with specific diseases, in regard to the graveyard, in regard to mistakes in identification of remains claimed by relatives and friends, are all incorrect. And why? Simply because these statements are made upon the authority of Mr. McCaffrey and Dr. Parker. The visitors have been misled. Before they made their first visit to Long Island, Dr. Parker had laid his plans to turn them against Dr. Cogswell. He began by misrepresenting things to them, and he has continued, aided by Mr. McCaffrey, to mislead them ever since.

Dr. Parker, by his testimony, makes it clear that he knows a great many things which are not so. We shall show you that only two fire-ladders have been purchased and sent to the institution at Long Island this year, — the two recommended by the district chief of the Fire Department. At the time these were procured there were already nine 25 and 40 ft. ladders in the institution, and they had all been there within two weeks as long as Dr. Parker had, and three of them had been there much longer. We shall show you that while it is true that 84 arm-chairs were sent to Long Island February 28, 1894, it is also true that 100 arm-chairs were sent there March 29, 1893. We shall show you that each infirmary ward is ventilated by means of three large ventilators into the attic. We shall show you that the nursery has two large ventilators through the ceiling and through the attic to the outside air. The statement that the only means of ventilating these rooms is by windows is absolutely untrue. The ventilation is good without reference to the windows.

The level to which the attack upon the present Superintendent of the Home for Paupers at Long Island has descended is unworthy of the eminently respectable people who are responsible for it. They would have you believe that he is lavish of the city's money in his household expenditure; that he keeps four servants and furnishes his private apartments expensively at the city's cost. These things are not so, and I am surprised at the effort here made to have them appear so. The facts are that Dr. Cogswell has never kept more than two servants, sometimes only one; that he has paid a portion of their wages out of his own pocket; and that the furniture in his private apartments is his own personal property paid for with his own money, and not by the city of Boston. I said, and I repeat, that I am surprised that such an attack should be made upon the present superin-

tendent. I will not undertake to say why it is done. It may be for the reason that neither his executive ability nor his skill and standing as a physician can be assailed or even questioned by anybody, and something must be said here against him. The success of ten years' service in the Quarantine Department of this city, seven of the ten at the head of the department, is a guaranty that he possesses both executive ability and the skill and judgment of a physician equal to the best; and the conditions upon which the Board of Health consented to his transfer from the Quarantine Department to the superintendency of Long Island constitute an indorsement which few men of his age receive. At the time of his transfer to his present position, an epidemic of cholera was feared, and the Board of Health, when approving the transfer, did so with the express stipulation that in case the dreaded scourge appeared, Dr. Cogswell should be at once released by the Commissioners of Public Institutions, and again be placed in charge of the quarantine. He assumed control of Long Island at the time of the completion of the new hospital and of the separation of the management of that island from Rainsford. Of course, with the opening of the new hospital many things were in different condition from established hospitals. No one would expect a hospital just opened to be in that condition where nothing further could be suggested or desired. We shall show you that, with all reasonable despatch, the institution with its additions and changes has been improved and is continually being improved. We shall offer to you evidence of the facts as they exist, and the opinions of men who are eminently fitted to judge of these matters, and who have not only made a study of them in the abstract, but who know this very institution itself. And if comparisons are desired, we will place this institution beside any institution of the kind in this country or any other, and abide the result.

It has been sought to put before you charges made to the Commissioners in 1891, and the attempt has been successful in a degree. In regard to such of those charges as have been called to your attention as facts we shall show you that upon investigation by the Commissioners at the time very different conclusions were reached. When Mr. Brownell declined to make an investigation for the Commissioners in 1891, the services of another gentleman were secured, and he made an examination and reported the facts as he found them. We have summoned him to testify here. And with his testimony we shall offer the statements of others well informed as to the facts at the time.

Mrs. Moran and Esther J. Brown have been paraded before you to assist in making out a case against Dr. Cogswell and the Commissioners. What an exhibition! Mrs. Moran, learning of her father's death at Long Island, went there, but did not see the superintendent at all. She saw the clerk, who told her that Edward Cuddy died at Long Island, and that she would have to see the superintendent before anything could be done if she wanted the body. She never saw the superintendent, but assumed that the body was buried at Long Island and went straight

to an undertaker and employed him to remove it. The undertaker, relying on Mrs. Moran's statements, applied to the Board of Health, and a permit was issued for the removal, from Long Island to Mount Calvary, of a body which had been given in compliance with the provisions of Chapter 81 of the Public Statutes of the Commonwealth of Massachusetts to anatomical science, and afterwards buried in Mt. Hope cemetery, in pursuance of a permit issued by this same Board of Health and on record in their office. If Mrs. Moran had gone to the superintendent she would not have made the mistake she did, for the superintendent would have told her all the facts. When she discovered her mistake she asked the Commissioners to pay this undertaker she had employed. This they declined to do, of course, and Mrs. Moran betook herself at once to Mrs. Lincoln with her grievance. Esther J. Brown was caught by Dr. Cogswell in the act of committing a nuisance on the lawn in front of the hospital at Long Island and by him ordered off the place. She, too, sought Mrs. Lincoln with her complaint, and you have observed the result.

The Commissioners are charged with lack of respect and courtesy to the Special Committee of Visitors appointed by the Mayor, because, indeed, the reports of the Commissioners disclose no mention of a single criticism or a single recommendation of that committee. Now, what are the facts? That committee was appointed by the Mayor, and made two reports to him, a preliminary report and a final report. The preliminary report was made in April, 1892, was transmitted to the City Council April 18, 1892, was ordered printed and referred to the Committee on the Department of Public Institutions by the Aldermen, and has not to this day officially reached the Commissioners of Public Institutions. The final report was made June 27, 1892, transmitted to the City Council June 29, 1892, and by the Common Council referred to the Committee on the Department of Public Institutions, and has never officially reached the Commissioners of Public Institutions. These matters were thoroughly discussed by the Commissioners, and it was decided by them, and rightly, too, that it would be discourteous to the Mayor and discourteous to the City Council to make any mention in the Commissioners' report of these two reports, which were the property of the Mayor and the City Council. But, gentlemen, these two reports are themselves full of praise to the Commissioners for the respect and courtesy shown to this special committee. In its final report to the Mayor this special committee says: "Especially it would acknowledge the cordial coöperation which it has received from the Commissioners of Public Institutions and from their officials, who have all given great assistance to the committee in the performance of its duties." And why, pray, should the Commissioners refer at all to this special committee in their report? They report what they have done. If the Mayor and City Council have provided the money to carry out the plans suggested by this committee, and if the Commissioners report that they have expended the money in the way intended, what more is there to be said?

The fight which they have thrown upon this spot, gentlemen,

has show you anything but a very dark spot, and this too with the rays obscured by the smoked glass of prejudice, and the lamp filled with the oil of bitterness. By cross-examination the smoke has been wiped from the glass, but the oil of bitterness still remains in the lamp, and so affects the rays that in this light alone you cannot see the picture as it is. It remains for us, gentlemen, to show you this spot in a different light, and we ask you to look at it in the broad daylight of facts. Then and then alone can you detect the fault, if fault there be, and apply the remedy.

With the acquisition of fresh counsel you were asked to extend your inquiry to other institutions in addition to the Home for Paupers, and Brother Riley, solely in the interests of humanity, gravely presents, as his first witness, Dr. Newell, the chief of that band of conspirators of which the Mayor, on February 5, 1892, rid the public service for the public good. Smarting under the punishment administered by the Mayor, the involuntary ex-Commissioner has relieved himself of his load of hatred for the Mayor, hatred for Dr. Jenks, and hatred for everybody who in any way aided in uncovering the conspiracy in which he was engaged during his term as Commissioner of Public Institutions. We shall show you that Dr. Newell, while drawing a salary from the city of Boston, as a Commissioner of Public Institutions, was devoting his time to the organization of an attempt to get Dr. Jenks out of the chairmanship and himself into his place. He found his tools for this attempt at Deer Island. With promises to subordinate officers there that upon the consummation of the plot they should have the places of their superiors he made his allies. The men who formed the group behind Brother Riley's table, the group which you, gentlemen, dispersed for improper conduct at a previous hearing, are the same men who joined Dr. Newell in his conspiracy. Upton, Erskine, Morrill, Ryerson, all discharged officials of the Deer Island institutions, come here to support their old chief in this renewed attack on the Chairman of the Board of Commissioners of Public Institutions. This time they say they are after bigger game, the Mayor. They want you to believe that the Mayor made a mistake in removing them from office. Like drowning men they clutch at a straw. Someone has told them that now is the time to strike again at Dr. Jenks. Now, while Mrs. Lincoln with all her influence and all her energy is available as a partner in the assault, and under the skilful guidance of unpaid counsel, they boldly ask you to believe that the Mayor did not strike at the root of the trouble when he removed them all. After their testimony on the stand I hardly think it will require much more evidence to convince you that the Mayor applied the proper remedy and to the proper subjects. As to Long Island, Dr. Newell either was not acquainted with the facts or he studied to mislead. His testimony regarding the sanitary arrangements, regarding the food, regarding clothing and supplies, is absolutely unreliable. For example, his statement that two privy-vaults were all the inmates had to use. The fact is that at that very time more than twenty water-closets in the institution were in constant use by the inmates. The sanitary condition of the institution was good, and is good to-day, and

would furnish an object-lesson of cleanliness to many a well-regulated and scrupulously neat household.

Take his statement about the trees. He said Superintendent Galvin had an opportunity to purchase a large number of trees at a very low price, but was prevented from doing so by Dr. Jenks. That is not true. The trees were purchased, and when you visit Long Island you can see them growing there. You will recollect, however, that the doctor was a little mixed on this tree matter. When he first referred to it he said 30,000 trees were offered at a fair price. Later on he said 10,000 trees were offered for \$30.

The reckless character of Dr. Newell's testimony, and its utter unreliability, is shown by his statement that it was a common thing for people to die at 14 Beacon street. The fact is, that during the last eleven years only one person has died there; namely, the one to whom Dr. Newell referred, and that man was sent from the City Hospital to the Home for Paupers to die, and he was so near death's door that before he arrived at 14 Beacon street the last rites of the church had been administered to him.

Dr. Newell tells you what is not true when he says that a drum to destroy vermin was purchased for Long Island, but that none was provided for Rainsford Island. Two were bought at the same time, one for each island.

Another misstatement by the doctor is that \$40,000 of the appropriation was turned into the sinking-fund when it should have been used for other purposes. The only foundation he could possibly have for such a statement must be the following facts: During the year 1891-2 the construction of an additional wing for the Long Island Hospital was authorized by the City Council, and the Commissioners saved \$35,000 of the appropriation for that year, which sum was transferred and used for that purpose.

When Dr. Newell says that the business of the Board was practically all done by the chairman, and little, if anything, left to any one else, has he forgotten that on the 3d day of June, 1891, he and Commissioner Devlin were appointed to draft rules for the guidance of the Board in the transaction of its business; has he forgotten that on the 5th day of July, 1891, the question of Mr. Brown's salary was referred to him; that the question of giving a permit for a base-ball game on Long Island was referred to him and Commissioner Devlin, July 14, 1891; that the application of Mr. McGarrigle for an increase of salary at the House of Correction was referred to him on the 17th day of July, 1891; that on the 18th day of August, 1891, a communication in regard to trained nurses was referred to him; that on the 21st day of August a request for an additional horse at Long Island was referred to him; that the whole question as to trained nurses was again referred to him on the 24th day of August, 1891; that on the 14th day of September, 1891, the matter of additional nurses and watchmen was referred to him; that on the 17th day of October, 1891, James White's case was referred to him and Commissioner Devlin; that on the 27th day of October, 1891, the matter of Mr. Morrill's discharge was referred to the chairman and Dr. Newell; that on the 11th day of November, the communication from Superintendent

Galvin in regard to the detail of prisoners at Long Island was referred to him; that on the 13th day of November, 1891, the matter of furnishing convict labor to the contractors at Deer Island was referred to him and Commissioner Devlin; that on the 16th of November, 1891, it was voted that Dr. Newell employ a messenger, and that on the 18th, upon his recommendation, a messenger was employed at a salary of \$1,000 a year; that on the 4th day of January, 1892, a complaint of an inmate of the House of Correction was referred to him; that on the 9th of January, 1892, a complaint against Miss Baker was referred to him and Commissioner Devlin; and that on the 28th of January, 1892, during the absence of the chairman, and when Dr. Newell himself was acting as chairman *pro tem.*, it was voted that the superintendent at Long Island be ordered to furnish coal to the contractors at cost? And has he forgotten that during the absence of the chairman from July 28 to July 30, 1891, inclusive, he was acting chairman of the Board, and that from January 19 to January 30, 1892, inclusive, during the absence of the chairman he was acting chairman, and that all that time the quorum of the Board which was then transacting the business was unanimous? And when he says that the Board never authorized the letting of convict labor to contractors, has he forgotten his report of November 16, and the action that was taken thereon, by the Board of Commissioners of Public Institutions, viz.: "The committee recommend that the superintendent of Deer Island be directed to inform the Commissioners why the books are not kept up so far as labor is concerned that has been and is being furnished the several parties who have employed them; that in the future the roll of men detailed for work shall be called morning, noon, and night by an officer detailed for that purpose, who shall take charge of the men to and from the work, and that the list shall be returned to the clerk, who shall make an entry daily of the men so employed; that until otherwise ordered no further work be done on the line of the sewer except such as is paid for by the contractor?" This report was accepted and the recommendations adopted, all the members of the Board being present. When he complains that he had no part in making contracts for new buildings, doesn't he know that never was a part of his duty as a Commissioner, but was the duty of the City Architect; and doesn't he know that this statement is not true when he says that the Superintendent of Public Buildings does not furnish rooms for the Commissioners at 14 Beacon street? If he doesn't, it is no wonder that he was such an utter failure as a Commissioner.

Notwithstanding Dr. Newell's denial that he tried to induce Mr. Flanders, representing the house of S. S. Sleeper & Co., to go to the Mayor with the story that improper groceries were sent to the institutions, he did descend to that very depth and tried to induce Mr. Flanders, by promises of more pay for the same goods, to go to the Mayor and tell him that Dr. Jenks was buying poor stock, hoping thus to induce the Mayor to remove Dr. Jenks, and that he himself might then become chairman of the commission.

Dr. Newell's statement that at two different times Mr. Galvin wrote a requisition for chamber vessels and Dr. Jenks drew his pencil through it is absolutely false. Mr. Galvin never made a requisition for those articles that was not honored. Equally false is the statement that Dr. Jenks destroyed requisitions; it is without a shadow of a foundation and is as absurd as it is false. These requisitions are all made in duplicate and are numbered, and are a part of the record in the office, and they are all there, both general and special. And who believes the charge that General Donohoe's records are incorrect? Even Dr. Newell himself can't expect any one to credit that.

Dr. Newell got so reckless at one time on the stand that he swore a prisoner complained that Superintendent Gerrish assaulted him in an unjustifiable manner, and that he (Newell) investigated and found that it was so. Now, when Dr. Newell made that statement he knew that the complaint was made in court and that it was not sustained, but that the superintendent was promptly acquitted. But as Dr. Newell investigated that complaint himself and paid the expense of the trial to the plaintiff he seems to have adopted Brother Riley's practice and disagrees with the judge.

The fact of the matter is that from the time this Board assumed control of the institution to the middle of August, 1891, the discipline at Deer Island was excellent and there was no trouble. Dr. Newell then stirred up trouble, making the arrangement with Deputy Upton, and Erskine, Morrill, Ryerson, and White. The plan was this: A riot was to be incited, the superintendent was to be blamed for it; Upton, Erskine, Morrill, Ryerson, and White were to furnish the evidence; Dr. Newell was to furnish the votes to decide the case in the Board, and the chairman of the Board and the superintendent of the institution were to be convicted of incompetency. Dr. Newell was then to become chairman of the Board, and Mr. Upton superintendent of the institution. But alas, they didn't have the nerve to bring on the riot at the time planned, and when it did come Dr. Newell's two votes as usual availed nothing against one and he utterly failed as a leader, his conspiracy was discovered, and he and all the rest of the disturbing element removed, and excellent discipline again restored.

MR. RILEY. — Well, what page of *Munchausen* does that come from, Mr. Reed?

MR. REED. — Isn't that right; doesn't that suit you, Brother Riley? These are facts.

The true story about Broker Watson's cousin, Jones, who died at Deer Island is, that Jones, who was a drinking man, after a protracted debauch, was picked up by the police suffering with delirium tremens, not epileptic insanity, as Mr. Watson seems to want you to believe, and sent to Deer Island by Dr. Jelly. Jones' address was given to the authorities at Deer Island hospital, and by them entered in their books. Pneumonia followed the delirium tremens in Jones' case, as it often does in cases of that kind, and he died. Immediately upon his death Dr. Roche sent a notification of that fact to the address given. No response was received, so the body was placed in the tomb, and

when Mr. Watson called for it he got it. This envelope which contained the cards and letters, as Mr. Watson claims, was not pried into by the officials at Deer Island when Jones came there, but was sealed up, marked, and locked up in the safe, and never opened till called for by Jones' relatives. What occasion was there for the Deer Island officials to tear open that envelope and examine its contents? The man's name and the address of his friends were given them. There was no question as to his identity and no occasion for any investigation. Mr. Watson knows that these are the facts, but the influence which brings him here prevents him from telling you the whole truth, keeps fresh in his memory every fact that can possibly be construed against the institution where his cousin was cared for, and causes him to forget everything in its favor. He knows well enough that Dr. Roche sent notice of Jones' death because he saw and read a copy of the letter. He knows well enough too that his cousin had delirium tremens, and he knows that he is telling you what is not true when he says that Dr. Jelly called the disease anything else. Dr. Jelly said the man had delirium tremens, he says so to-day, and he has never said anything different. Is this man to decide that Dr. Jelly is mistaken? Can you name any man more competent to judge a matter of this kind than Dr. Jelly? Dr. Jelly told Mr. Watson, as he told you here, that if it should turn out that Jones never used intoxicating liquor, in that event it would be clear that Jones could not have delirium tremens. But Jones himself said he had been drinking, and both Dr. Roche, who in Dr. Jelly's opinion is as well qualified as any man in Massachusetts to judge, and Dr. Cogswell confirmed Dr. Jelly's diagnosis of the case, and even Mr. Watson himself admitted here on the stand that Jones was a drinking man. Mr. Watson is the man to whom Mrs. Lincoln referred in her opening statement.

The only well-founded criticism of the management of the Deer Island institution is that expressed in the report of the prison inspectors of 1893; namely, the book-keeping in the receiving office was not what it should be either in accuracy or in appearance. Immediately upon the making of the suggestion, however, that defect was remedied and the books in the receiving office are now models of their kind.

Many desirable changes in these institutions are being brought about as rapidly as possible. The Truant School will be removed to the mainland as soon as the new buildings at West Roxbury, provided by the city government, are ready to receive the boys. It is the intention also to remove the House of Reformation to Rainsford Island as soon as the new building, also provided by the city government, on Long Island is ready to receive the poor now at Rainsford. Upon the completion of these changes, the House of Industry alone will remain at Deer Island, more room will be given for a classification of the prisoners, and there will be no possibility that juvenile offenders may come in contact with hardened criminals.

As to the House of Correction, we make no claim that the buildings are suitable. It is undoubtedly true that for the past twenty-

five years the buildings have been wholly inadequate and unsuitable for the purposes for which they are used. We agree that the County of Suffolk should have a new House of Correction, and if this investigation shall in any degree contribute to that result we shall say the many hours devoted by this committee to it have been well spent. With the means at hand, however, we say that the Commissioners and the master and officers of the House of Correction do the best they can. It is charged that there is no lock-box provided for prisoners' letters. That is true; but it is also true that every facility is given to prisoners to communicate by letter with those persons whom the law says prisoners may address by letter. If a lock-box were provided it would still be necessary for prisoners to ask for writing materials, and the master would have the key to the box. The facts in regard to the letter-box are not in dispute. If there is a violation of the law, it is a violation only of the letter and not of the spirit of the law, and is only technical.

The alleged cruelty and drunkenness of officers is not true and cannot be proved. Drunkenness is not allowed and does not exist, and only such force is used as is absolutely necessary in dealing with the hardened and vicious criminals who populate the House of Correction.

There has been no evidence that the variation in the number of prisoners sent to the insane asylums from year to year has any connection whatever with the punishments inflicted in the House of Correction, and there can be no such evidence. The increase or decrease is merely accidental, as any competent witness will tell you, and as the statistics completely demonstrate. And you will find that the statements and insinuations of counsel here have been entirely unwarranted. There has not been a steady increase in the number of insane from this institution. In 1887, seven years ago, the percentage was greater than it has ever been since. This year the percentage is less than last year, and the same is true of insanity generally in this county. The commitments this year have been less than last by sixty-one.

Ex-Commissioner Prescott has been called here as a witness, and has testified for the side that called him. Dr. Jenks was a holy terror to him, because he declined to adopt Mr. Prescott's ideas. At first Mr. Prescott denied that upon his motion General Donohoe was made clerk of the board *pro tem.*, but when the record was produced he admitted it. Mr. Prescott had a man for the place. That was the reason for the *pro tem.* Mr. Prescott's testimony, you will remember, relates to the period from 1889 to 1891. He says himself that he has no knowledge of the institutions for the last three years. It is during these last three years that the important work of the commission has been accomplished.

He tells you that Superintendent Gerrish was a good officer and ran Deer Island well, but that his deputy, Mr. Upton, was not a proper man for the place, and we agree with him. He tells you that Superintendent Galvin, General Donohoe, Clerk Prescott, Superintendent Gerrish, and Dr. Fisher are good officers, and will

be honest witnesses, and once more we agree with him. He tells you that his feeling against that "very pleasant, genial, social, liberal gentleman," Dr. Jenks, still exists and we agree with him again. But when he tells you that the master of the House of Correction relies too much upon his deputy, we take issue with him, and simply calling your attention to Mr. Witham, as he appeared here upon the witness-stand, we leave you to judge whether he is a man to be relied upon.

Mr. Prescott's slur upon his associate Mr. Laforme, now deceased, was in bad taste and was unwarranted. Mr. Laforme passed in and out for many years before the citizens of Boston, and was a respected and successful business man.

When the paid commission assumed control of the department in 1889, the old institution building on Rainsford Island was entirely without plumbing of any sort. The old small-pox hospital was in use as the institution hospital. On Long Island the only institution building was the three story brick building now used as a dormitory and infirmary. Neither island had any water-supply. The insane were all at South Boston, and Austin Farm was a poor-house. To-day the institution building on Rainsford Island is plumbed throughout. A new hospital has been built on Long Island; the two wings already completed contain 176 beds, and a third wing, to contain 114 beds, is in process of erection and substantially completed. An electric lighting plant has been furnished to light the institution building and the hospital; and the ventilating fans in the hospital are run by electric motors. A new barn, 50 $\times$ 83 feet, has been added to the old barn, which was rebuilt. Both Long and Rainsford Islands have been supplied with Cochituate water, and a large new dormitory for women, capable of accommodating 320 persons, is nearly completed on the north-east side of Long Island. A reservoir, to hold 2,000,000 gallons, is nearly finished, the excavation having been completed and the concrete now being laid, and the water is ready to turn on as soon as the reservoir is done. At Austin Farm a new lunatic hospital has been established, and many of the insane have been moved there from South Boston. Of the new buildings at Austin Farm the combination dining-room and chapel measures 50 $\times$ 98 feet, with an L 31 feet, square. The dining-hall and chapel has a seating capacity of 400, and can seat at table 200 persons. Two new dormitory buildings two stories in height with high basement have been erected also, with accommodation for fifty patients in each building. These two have been occupied recently, the third dormitory having been occupied more than a year. A new boiler-house and laundry complete the plans at Austin Farm.

Two dormitories for the insane have been erected at Pierce Farm on the high ground facing Walk Hill street. They are two stories in height with basement, having a frontage of 250 feet, a middle wing 140 feet deep, and two end wings 75 feet deep. One of these dormitories is intended for men and one for women. The domestic building and heating plant are in the rear between the dormitories. The administration building is to be between the dormitories and in front of the domestic building. Each dormi-

tory will give accommodation to 84 patients, mainly in single rooms.

The new buildings for the Parental School in West Roxbury, consisting of a dormitory, and boiler, engine, and laundry building, the main building 96×33 ft. with a projection in the rear 15×30 ft., and the 376 new cells at Deer Island, complete the list of new buildings erected for the public institutions by the present commission. The cost of these permanent improvements made during the last five years is \$1,137,500. The entire amount of money spent for permanent improvements in the public institutions made during the forty-seven years from 1852 down to 1889 was only \$1,499,521.20.

Thus, gentleman, we assert that the charges made against the management of these institutions during the past five years are unfounded and untrue; that with the means at the hands of the Commissioners, the institutions have been well managed and the people who have been compelled to be inmates of them have been well taken care of, and notwithstanding the fact that the present paid Commission has handled this vast amount of money, there has not been even a suspicion that one dollar has been misused or diverted from the purpose for which it was intended. On the contrary, two charges are made against this Commission, concerning which I have not yet spoken — honesty and economy. This case will go down in history as the first in which any public official has been arraigned before any tribunal charged with honesty in the administration of public office, and economy in the expenditure of public funds. To these two charges we make no reply. We plead guilty to them both.

JOHN GALVIN. — *Sworn.*

Q. (By Mr. REED.) Your name is John Galvin and you are superintendent of the Home for Paupers at Rainsford Island?

A. Yes, sir.

Q. You were at a former time, Mr. Galvin, superintendent at Austin Farm, were you not?

A. I was.

Q. At what time did you occupy that position and how long?

A. For going on two years.

Q. And do you remember the year in which you went there?

A. I do, sir.

Q. What was it, please?

A. 1886.

Q. And you stayed there until 1887?

A. Yes, sir.

Q. Then you went from the Austin Farm to Long and Rainsford Islands. Is that right?

A. Yes, sir; correct.

Q. And you became superintendent of the institutions on those two islands?

A. Yes, sir.

Q. While you were at Austin Farm as superintendent, Mr.

Galvin, do you remember of an inmate there by the name of Margaret Mulhearn?

A. I do, sir.

Q. She was an inmate of the institution at the time you removed from Austin Farm to Long and Rainsford islands?

A. She was, sir.

Q. You took her with you to Long Island?

A. Yes, went at about the same time.

Q. Where you present, Mr. Galvin, when she was admitted as an inmate to the institution at Austin Farm?

A. I was in the building, sir.

Q. Did you see the woman the day she came there?

A. I did not, sir.

Q. Now, Mr. Galvin, it has been stated here that you were not present, but that Mrs. Mulhearn's reception at Austin Farm was disheartening?

A. I don't think so.

Q. Do you know anything about it?

A. I know nothing about the case whatever. About a month before that I received a very severe accident, and I was on my back from the effects of a broken leg, and consequently I didn't receive her when she was received, but there was no inmate that ever came to Austin Farm but was well taken care of.

Q. Was there ever any complaint made to you, Mr. Galvin, by this woman that she was not properly taken care of?

A. Never, sir.

Q. Was any complaint ever made to you by any other person in her behalf that she was not properly taken care of?

A. Never, sir, that I recollect.

Q. At the time she came to Austin Farm, I understand you to say that you were confined to your bed with a broken leg?

A. Correct, sir.

Q. And that is the reason you were not present to meet her when she came there with Mrs. Lincoln?

A. That is the reason, sir.

Q. Did Mrs. Lincoln call on you that day?

A. She did not, sir.

Q. The day she brought Margaret Mulhearn over she did not call on you?

A. No, sir.

Q. Did she send any message to you on your sick-bed?

A. I never received any.

Q. Do you remember the woman, Margaret Mulhearn, after you went to Long and Rainsford islands?

A. Not anything particular, any more than the rest of the inmates there.

Q. There was nothing, then, peculiar to her case to attract your attention?

A. Nothing peculiar at all, sir.

Q. Do you know how long she remained at inmate of the institution at Long Island?

A. Well, I couldn't tell you without referring to the books.

Q. How long, Mr. Galvin, were you the superintendent of the institutions at Long Island?

A. I was from October, 1887, until March, 1893.

Q. And March, 1893, the management of the two islands was separated?

A. Yes, sir.

Q. You then took control of Rainsford Island?

A. Yes, sir.

Q. And you occupy that position to-day?

A. I do, sir.

Q. At the time you were superintendent at Long Island where did you live?

A. I lived on Rainsford Island?

Q. And you live in the same house to-day on Rainsford Island?

A. Yes, sir.

Q. When you first went to the islands to take charge of the institutions on Long and Rainsford, where was the hospital located?

A. On the hill.

Q. On which island?

A. Which do you mean — for Rainsford?

Q. Rainsford.

A. It was on Rainsford Island, at the extreme end of the Island, what they call the Head

Q. Was it the old building which is referred to so often as the White Building?

A. Yes, sir.

Q. And during your term as superintendent, having authority over both islands, that was the hospital for Rainsford Island?

A. Yes, sir.

Q. When was its use as a hospital discontinued?

A. After we came over from Rainsford Island.

Q. That was in March, 1893?

A. Yes, sir.

Q. How is that building used now?

A. It is idle.

Q. It is idle to-day?

A. Yes, sir.

Q. Has any use been made of it since the building of the new hospital at Long Island?

A. Yes, sir.

Q. During the past summer was not this same building used as a summer hospital for infants and children?

A. It was, sir, — and very much admired, too.

Q. And very much admired?

A. Very much admired.

Q. Now, what was the preparation which was made for the reception of those children in that hospital?

A. There was four days' labor from a few of the inmates and myself in whitewashing and painting, and so on.

Q. It was cleaned throughout from top to bottom?

A. Cleaned throughout.

Q. Painted and whitewashed throughout?

A. Yes, sir.

Q. And made sweet and clean and perfectly satisfactory to the doctors who had charge of the hospital?

A. Dr. Ernst complimented us on the building very much every time he came there.

Q. Dr. Ernst, the eminent bacteriologist, was the man who had charge of the summer hospital?

A. He was, sir.

Q. Did you ever have any conversations with him in regard to it?

A. Occasionally asked him how he liked it when he came down there, and he said, "Just the thing, Mr. Galvin, couldn't get one to suit as well if you paid out a hundred thousand dollars." That was about the expression he used.

Q. Then the old building in its last use was perfectly satisfactory for the purpose for which it was intended?

A. Perfectly satisfactory to me and to the good Sisters of St. Margaret, I guess it is. They were very much pleased with it.

Q. The Sisters of St. Margaret furnished the nursing, I understand, did they not?

A. They did, sir.

Q. And Dr. Ernst had entire charge of the summer hospital?

A. Yes, sir; and had a young assistant down there, Dr. Page, — a fine young man, — there all the time. They had a habit of coming down there every day or every other day.

Q. How often did Dr. Ernst himself come there?

A. Oh, every day, — if not every day, every other day.

Q. I suppose you frequently saw him, Mr. Galvin, when he was there?

A. I saw him every day when he came there, sir.

Q. And he visited you at your house?

A. He did, sir, occasionally.

Q. And you had frequent conversations with him in regard to the place?

A. I did, sir.

Q. And he always expressed himself as well satisfied?

A. He did, sir.

Q. Just before you left Long Island it has been said that two women, both helplessly ill, were landed there, and the management has been criticised for delay in providing an ambulance?

A. I couldn't see any delay. The preparations were made before the parties left Boston, and they were to go to Rainsford Island. Consequently they were not expected at Long Island, and they occupied the same space in going from Long Island to Rainsford as they did from Boston to Long Island, which did not discommode them any in the least. Preparations had been made by the doctor to receive them at Rainsford Island, as the hospital was full on Long Island, and consequently they couldn't take them there. But Mrs. Lincoln plead so hard to get them to Long Island that I couldn't resist her, and I told the doctor possibly it

would be better to take them to Long Island, on that account, and they were taken there.

Q. (By Ald. LEE.) How long afterwards?

A. Three-quarters of an hour. We went from Long Island to Rainsford; stopped about ten minutes.

Q. Was that where the plea was made to bring them back to Long Island?

A. Yes, sir.

Q. (By Mr. REED.) Were they moved from the boat, Mr. Galvin, at the first stop at Long Island?

A. No, sir.

Q. The room in the boat where they were placed was warm, I presume, and comfortable?

A. Not exposed to the weather at all; not a Parker-house room, by any means, but a good, comfortable room, sheltered from the cold. They didn't suffer any cold whatever.

Q. And when they came back to Long Island the second time I presume you took good care of them?

A. They were taken as good care of as I know how.

Q. And anyone, I guess, Mr. Galvin, who knows you does not think you don't know how. I certainly do not.

A. Thank you, sir. I appreciate the compliment, sir.

Q. Who were these women, these two old ladies, Mr. Galvin? Do you remember their names?

A. I do not, sir. I don't recollect their names.

Q. Did they make any complaint to you at the time?

A. I never heard any complaint from them, sir. I never did.

Q. The physician who had charge of the hospital, as I understand you, advised that they be taken to Rainsford?

A. Yes, sir; he was down at the wharf that day.

Q. If these women had been taken to Rainsford, would there have been any difference in the kindness of their treatment from what they received at Long Island?

A. I don't understand you.

Q. Would these women have been as kindly treated at Rainsford as they were at Long Island?

A. I think so, sir.

Q. There wouldn't have been any difference in the treatment, would there?

A. Equally as well treated, sir.

Q. You think, then, that the arrangement made by the physician to receive them at Rainsford Island was a proper arrangement?

A. I do, sir; because it was crowded at Long Island.

Q. The hospital at Long Island was then in the institution building, was it not?

A. Yes, sir.

Q. And at this time you say that hospital was crowded?

A. Yes, sir.

Q. But you did make provision for these two women there at the request of Mrs. Lincoln?

A. I did, sir; asked the doctor to do it and he done it.

Q. Mrs. Lincoln was with the women then and brought them there?

A. Yes, sir.

Q. Now, Mr. Galvin, you have had a good deal of experience and you are probably a good judge of food which is proper for those people. Some criticism has been made in regard to the food which they received. Will you tell us whether, during your administration, you have had proper food to give to these poor people?

A. I think, sir, that the inmates on both Rainsford and Long Islands were the most happy, most comfortable, and best satisfied people of any institutions in Massachusetts — I don't except any; and although the soup was criticised, — I live pretty well myself, and I have for the last fifty years, and I couldn't get as good soup at the Parker House any day or any time I go there as they do; and to let you know the truth of that the officers on many occasions called for the inmates' soup.

Q. Well, now, was that the invariable rule during your superintendency of these two islands?

A. That was my rule, sir, and I didn't trust to anybody. There never was a meal there, sir, while I was at home, on Long or Rainsford Islands but what I went around when they were serving their dinners and saw that every prisoner was treated alike. I made that a speciality — to go around twice to the dinner tables.

Q. Then you made it your rule to give personal superintendence to those matters.

A. I did, sir. I didn't trust to anybody. If there were any mistakes they were corrected immediately. Didn't have to go further; didn't have to go to the Commissioners.

Q. Now, it has been said here that they don't get enough to eat; that you used to make paupers go out to work on an empty stomach or with insufficient food?

A. They never went to work until seven o'clock, and we had our breakfast at half-past six, and they never found fault with their meals either at the breakfast, dinner, or supper table. The men are not expected, nor it is not required, that they will work so hard as hired men. I always felt perfectly satisfied when I got four of those men to do a day's work. I felt perfectly satisfied with that.

Q. Well, did you ever have any trouble getting them to work?

A. Never a particle, getting those men to work. They were willing and cheerful.

Q. You always got along well with the inmates?

A. Never had any trouble with them, sir; never had a particle of trouble.

Q. Did you ever cut down the quantity of the food?

A. No, sir; but I added to the quantity of food when extra people came in.

Q. You gave them enough always?

A. I always gave them enough. If they ate what was served once and wanted to have more they had it again.

Q. (By Ald. BARRY.) Right here — supposing a pauper came

to you after eating dinner or any meal through the day and stated to you that he was hungry. What would you do in that case?

A. There was never a case of that kind, sir. I don't know how I would act.

Q. And there never was any such case?

A. Never was.

Q. In other words, you gave them sufficient?

A. Sufficient for any reasonable man to live upon and do a reasonable share of work.

Q. (By Ald. LEE.) Well, you don't mean to say that you don't know how you would act? You know how you would act if a complaint of that kind were made to you?

A. If I thought the man was truthful I would act very well indeed, very well.

Q. That is, give him another ration?

A. Yes, sir. I made it a rule that no one should go hungry, even if it was a committee of the Board of Aldermen that was down there.

Ald. LEE. — That is right; I agree with you.

Q. (By Mr. REED.) Now, what is the rule, Mr. Galvin, at Rainsford, — you give them plenty to eat over at Rainsford now?

A. Yes, sir; have all they can eat.

Q. Now, Mr. Galvin, I wish you would tell us whether you have made any changes in this respect from the time you were superintendent at both islands? Do you treat them any better now than then?

A. I treat them just the same, sir, exactly.

Q. Well, is the food the same?

A. Just the same, sir.

Q. You have the same quality of meat?

A. Yes, the quality of meat is good.

Q. Now, what is the method of getting these supplies? When you want any meat what do you do?

A. There is a contract made every season for our meats. Then the superintendent orders what he wants on certain days, to be continued until further orders.

Q. Then the contract is made at the beginning of the year for the year?

A. Yes, sir.

Q. And the prices fixed?

A. Yes, sir.

Q. And the quality specified and determined?

A. Yes, sir; that is done by the Commissioners.

Q. And when you want any meat you know where to send for it?

A. Yes, sir.

Q. You know what kind you are going to get and what is going to be paid for it?

A. Yes, sir.

Q. Now, if the meat comes and is not up to the specifications, what do you do?

A. I never received any of that kind. During the nearly nine

years I have been on both islands I never received a poor parcel of meat — never did.

Q. (By Ald. BARRY.) Right there — what do you mean by that? You say you never received any, — you mean that you sent it back because you wouldn't use it?

A. No, sir; I wouldn't use it. I never did.

Q. (By Mr. REED.) Well, you know, Mr. Galvin, what kind of meat is specified, and you see that you get that kind?

A. Yes, sir; that is it, and see that I get the number of pounds. When it gets there I have the meat weighed there to see that it corresponds to a T.

Q. And so it is with all the food, is it?

A. I received a poor lot of fish once, and I didn't use it. I sent it to the pig-pen. That is the only poor lot of fish I ever received.

Q. You sent that back, did you?

A. No, sir; I didn't know it in time, before the boat left, and it was at the season of the year when it wouldn't keep, and so I sent it to the pig-pen.

Q. Didn't use it?

A. No, sir; only for the pigs. I considered that using it to good advantage.

Q. Now, you buy your fish, meat, potatoes, and everything at specified places?

A. Yes, sir.

Q. And of specified quality?

A. Well, I have got nothing to do with that; the superintendent has nothing to do with the potatoes or anything of the kind whatever. Those things and the medicine and everything else are supplied by the Commissioners.

Q. Excepting that you see that you get what is good?

A. That is it.

Q. Now, when you were at Long Island you had three rooms on the top story of the institution building, did you not; the big brick building?

A. Yes, sir; that is correct.

Q. Three rooms, and above those rooms was an attic?

A. A large attic.

Q. And the two wards in the front of the building had some method of ventilation, I presume?

A. Yes, sir.

Q. Did they not?

A. Yes, sir.

Q. Do you remember how that was?

A. There were two rooms that were ventilated in the attic, and what is now the nursery, I think, had three ventilators going through the roof, — two or three, I am not positive. There were two certain that went through the roof.

Q. That is, in what is now used as the nursery?

A. I think so, sir.

Q. Well, in your time that room was ventilated by at least two ventilators?

A. Yes, sir; that went out through the roof.

Q. Went through the ceiling and out through the roof to the open air?

A. Yes, sir.

Q. Positive about that?

A. I am certain of it, sir; and then the attic was a very large one, with numerous windows, and I always had those windows open when the weather would permit.

Q. Then you say the two rooms on the front of the building also had ventilation through the ceiling?

A. Those rooms were ventilated; yes, sir. They had ventilation.

Q. Where did those ventilators go to?

A. Into the attic.

Q. And the attic had windows?

A. The attic had lots of windows, which were opened every day when the weather permitted, by my orders.

Q. So if you wanted those windows open it was possible to get ventilation to the outside air?

A. Yes, sir.

Q. And you ordered them opened every day?

A. Yes, sir; when the weather was suitable.

Q. And they were opened?

A. Yes, sir; I was always up there to see that my orders were carried out; always went through the hospital once or twice a day.

Q. Was the hospital up there?

A. Yes, sir.

Q. And you went up there at least once a day?

A. Once or twice a day. If any complaints were made by the inmates to me I would rectify it immediately.

Q. How long did you spend each day over on Long Island?

A. I left Rainsford Island at half-past six in the morning, got there about seven, and then left Long Island about half-past three.

Q. In the afternoon?

A. Yes, sir.

Q. And you had a deputy, I suppose, on Long Island?

A. Yes, sir; a deputy on Long Island, and a deputy on Rainsford Island.

Q. Well, Mr. Galvin, if anybody should tell you that there weren't any ventilators in those rooms when you were superintendent there, what would you say — that you were mistaken or they?

A. I presume they talk as I do when they tell a lie. That is about as plain as I can put it. I don't tell a great many.

Q. It isn't possible, then, that you can be mistaken about that?

A. I am not mistaken about it, sir.

Q. In 1891, Mr. Galvin, I understand that certain charges were made against the management of your island there, of something which had been done either at Long or Rainsford

Island, before the Commissioners. Do you have any recollection of that?

A. What is that, sir?

Q. Do you have any recollection of any charges being made before the Commissioners against your institution down there in 1891, to which you made a reply?

A. I think there were some charges made by Mrs. Lincoln, if I don't make a mistake.

Q. Well, you made a reply to them at the time, did you not?

A. Not on that day. Mrs. Lincoln would not allow me to be in the presence of the company there, settling these charges, so consequently I wasn't there and didn't answer the charges until a future day.

Q. Well, then you went up before the Commissioners, or you were there?

A. I was there; yes, sir.

Q. On the day Mrs. Lincoln made those charges?

A. Yes, sir.

Q. But upon her objection you were excluded?

A. I was, sir.

Q. And you were not allowed to listen to those charges at that time?

A. No, sir; I was not.

Q. But subsequently you made a reply to them, did you not?

A. Yes, sir.

Q. Then you know what the complaints were and you investigated them?

A. I did, sir.

Q. And you arrived at certain conclusions?

A. I did, sir; and I guess the Commissioners — Mr. Curtis has it in his possession now, my answer, if I don't make a mistake.

Q. You did not agree with the facts then as they stated them?

A. I couldn't agree with them, because they were all false.

Q. They were all false and of course you wouldn't agree with them?

A. I didn't agree with them, of course; no, sir.

Q. But in your reply you stated the facts as they were?

A. As well as I knew how; yes, sir.

MR. REED. — I won't ask you any more questions about that, Mr. Galvin, because the committee have those documents, and I believe that at a former hearing they decided that they would take the documents for their own information, but would not make them public; so that I don't feel at liberty to ask you any more questions about it. We, of course, are willing, Mr. Chairman, to put those documents in if the committee want them; but we do not wish to make any suggestion that is not perfectly right and proper.

ALD. LOMASNEY. — Mr. Chairman, I move that they be put in. I move they be put in, if they want it.

(The committee consulted together, and, finding that at a former hearing they had voted not to make the documents public, it was decided not to do so for the present.)

Q. (By Mr. REED.) Mr. Galvin, do you remember meeting a young man named Mr. Brownell?

A. I do, sir, very well, indeed.

Q. Mr. Brownell was a reporter?

A. So he said; yes, sir.

Q. And he came down to your place, didn't he?

A. He did, sir.

Q. Do you remember when that was, Mr. Galvin?

A. I could hardly tell you when it was, sir.

Q. Well, it was as long ago as 1891, wasn't it?

A. 1891 or 1892 — I would not be positive. I am not positive about it. I didn't make any record of it whatever.

Q. What paper did Mr. Brownell report for? Do you remember?

A. I think the "Herald."

Q. The Boston "Herald"?

A. I think so.

Q. Now, he made certain criticisms of your place down there, and it has been said that you met him up in the Commissioners' office and took him to task for advertising his article for Sunday in the Saturday papers. Do you remember that?

A. I don't recollect ever meeting him at the Commissioners' office.

Q. You don't recollect meeting him there?

A. I don't; no, sir.

Q. But you did meet him on the island?

A. Yes, sir; and I think I met him at his own office, if I don't make a mistake.

Q. At his own office?

A. I think so.

Q. He says your dinner wasn't good the day he was down there.

A. What day was it?

Q. I don't recollect what day it was — back in 1891. Do you remember any day in 1891 when you didn't have a good dinner down there?

A. No, sir; I don't.

Q. For the inmates?

A. I think I am as well able to judge of a dinner as the gentleman whom you refer to; and in coming down to make an examination that day, I think there was no need of it whatever, because all his work was done before he came down there. He never took a note-book or a pencil out of his pocket while he was down there. His report was all made out before he came down there, as he spent the night before at Manchester-by-the-Sea.

Q. And he had his report all made out when he went down there?

A. I am satisfied of it, sir.

Q. Do you know what he was doing down there?

A. He said Mrs. Lincoln invited him down.

Q. And the next day he came down to see you?

A. Yes, sir. Excuse me, sir, but I don't think the man was

hardly responsible. The man was love sick. He was in love with a beautiful young woman, and was to be married; so I didn't hardly think him responsible.

Q. Well, do you know what he based his statement on about the condition of your building as to cleanliness?

A. Well, he found time enough to go and upset about a dozen beds in the institution; and he came down to me and says: "Everything is in good order, but I think I found a place where there was a bug — the marks of where one had been." Says I: "If I had the privilege of going to your domicile I think I might find a live animal there."

Q. How many beds did you say he pulled apart?

A. About ten or a dozen.

Q. And he told you that that was all he could find?

A. He told me that that was all he could find.

Q. Nothing except the track?

A. The track; yes, sir.

Q. He stated that the bedding was in bad condition. Did he say anything to you about that?

A. I don't know what the condition is that the bedding must be in to be in a bad condition. We always have taken good care of our bed and bedding.

Q. Well, what is the rule, and what was the rule at that time, Mr. Galvin, and the practice, in regard to changing the bedding?

A. Changed every week, sir, regularly.

Q. Then, at that time do you remember any reason why the bedding had not been changed — at the time he was down there?

A. I don't, sir. We made it a rule to change the bedding once a week, regularly.

Q. And you have no reason to believe that that rule was not observed, and being observed at the time Mr. Brownell was down there?

A. No, sir; because I saw to it myself. I go through the buildings for it myself. I trust to nobody. I see the work is done.

Q. Did you tell him the weather was bad, so that you could not change the bedding?

A. No, sir; I don't think I did.

Q. You don't remember anything of that kind?

A. No, sir. The weather would not interfere with inside work so that we could not change the bedding, I think.

Q. Did he make any comment upon the cleanliness of the building?

A. He didn't, sir.

Q. Not to you?

A. No, sir; never.

Q. Did he go over to your house that day?

A. I would not be positive now whether he did or not; but I don't think he did.

Q. How long would you say he was on the island?

A. Probably an hour there.

Q. Did he come down on the "Bradlee"?

A. I don't think he did. No, I don't think he did, sir. I am not certain, but I don't think he did.

Q. Well, you don't think he came on the "Bradlee"?

A. No, sir; I don't think so.

Q. How did he get there?

A. Well, Mrs. Lincoln used to hire a steam-launch sometimes.

Q. Was she there with him that day?

A. She was with him that day; yes, sir.

Q. Oh! And you think he stayed there about an hour?

A. I think so. About an hour after he got to the island, I think.

Q. Did he go away with Mrs. Lincoln?

A. Yes, sir.

Q. (By Ald. LEE.) Are you positive that this day he was there, he was there with Mrs. Lincoln?

A. I am, sir.

Q. (By Mr. REED.) He didn't write any report while he was there?

A. No, sir.

Q. Did anybody come down there afterwards to investigate any of the statements that he had made?

A. Not that I recollect of.

Q. You don't recollect it?

A. No, sir.

Q. Then you were not able to get the place ready for somebody who was coming down there?

A. It would not make any difference if I did. The place was always the same.

Q. You don't remember having any such instructions as that?

A. No, sir; I never did.

Q. Did you have any special notice that anybody was coming?

A. No, sir, I didn't.

Q. Well, what do you say, Mr. Galvin, as to the gambling at Long Island? It has been charged that the inmates of the institution gambled there.

A. On wet days we have a large room in the basement where they go; and they used to play dominoes. I think dominoes is a more simple and better amusement than to give marbles to old men, as they have in some of the institutions of the country, as I have heard.

Q. Then you provide them with dominoes?

A. No, they provide themselves; they had them themselves; I didn't provide them. I think it was better to have the mind occupied with something than to sit there smoking all day.

Q. Did you allow prisoners in there from Deer Island?

A. They had no other place to go on wet days but to mix in with the inmates. In fact, the room used to be crowded like as if the people were sardines.

Q. That is what you call the "Loafers' Hall"?

A. That is the "Loafers' Hall;" yes, sir.

Q. It has been said, Mr. Galvin, that some woman wandered

out and died through neglect of the management. Do you remember of any woman who wandered off and died?

A. I do, yes, sir; recollect a woman.

Q. Do you remember the circumstances of the case?

A. Yes, sir.

Q. What were they?

A. It was in the morning; and after the breakfast bell rung the inmates began to come down, and she went outside and committed suicide. She was absent more than fifteen minutes when we heard about it.

Q. Was she a partially demented woman?

A. She was weak-minded. She had that contemplated for some time.

Q. And she wandered out and committed suicide?

A. Yes, sir.

Q. (By Ald. BARRY.) Had she ever attempted it before that?

A. No, sir; she never did.

Q. (By Mr. REED.) Do you remember a hunch-back boy that you had on Long Island?

A. I do, sir.

Q. What kind of a boy was he?

A. Well, he was a poor, emaciated boy. Of course, I had to have a carriage for him to wheel himself around in; and when he was not able to do that I got a man to wheel him around. He was as well taken care of as any other inmate in the building.

Q. What did he tell you about the food?

A. He never complained. Sometimes he would not be at dinner if we had a fish dinner. He would not go near the table on fish day, I believe.

Q. He didn't like fish?

A. He didn't like fish.

Q. Was he much of a talker?

A. Yes, sir; he could talk very well.

Q. Was he a mischievous sort of a boy?

A. No, sir; not very.

Q. Well, he never made any complaint to you about his food except that he didn't like fish?

A. That is all the complaint I ever heard. He seemed very well satisfied; and there was some lady here who used to take some interest in him and used to get him up to town to stop a month at a time, probably.

Q. Was he allowed to go in a filthy condition, a dirty condition? Was he regularly washed and taken care of?

A. He was as regularly washed and taken care of as the men who had to do it themselves. There was just the same care taken of him.

Q. Now, it has been said that many things called for by the superintendents are denied them by the Commissioners. Do you recall any instance when you have been denied things that you made requisitions for?

A. Never — only one.

Q. Do you remember what that was?

A. I do, sir.

Q. Will you please tell us what that was?

A. It was in the spring-time. Long Island is a large territory, of course. There is a great quantity of grass there, and I recommended to the Commissioners to buy a few heifers and put them out in the grass there and they would be worth twice as much in the fall. The Commissioners did not see fit to do it, and their judgment was better than mine, of course; and I didn't get them. That is the only thing I ever failed of getting.

Q. You wanted to raise some cows, and they would not give them to you?

A. They didn't give them to me.

Q. Do you remember ever making two requisitions for chamber vessels and having them denied you?

A. I remember making the requisitions; but they were never denied me.

Q. You always got them?

A. I always got them; yes, sir.

Q. Now, another thing. Something has been said about trees that you could not get. Do you remember getting a good trade on some trees, Mr. Galvin?

A. I think I did; yes, sir.

Q. Was that during your superintendency of both islands?

A. Yes, sir.

Q. And do you remember how many trees you got?

A. I think about 30,000, if I don't make a mistake.

Q. Well, it has been said that you wanted to get those trees and Dr. Jenks would not let you.

A. Well, I got them and planted them out.

Q. You planted them out on Long Island?

A. Yes, sir.

Q. Now, I want to ask you if those are the trees that we see between the new hospital and the old institution building?

A. Yes, sir; those are the same trees.

Q. I have noticed on Long Island a lot of young trees growing there.

A. Yes, sir.

Q. And those are the ones?

A. Those are the trees I bought. I didn't buy them — the Commissioners bought them on my recommendation. They imported them on my recommendation.

Q. (By Ald. BARRY.) I understood you to say that they imported them?

A. Yes, sir.

Q. Thirty thousand trees?

A. Yes, sir; possibly not quite so many.

Q. What was the largest kind?

A. Well, the elm-trees were, probably, two feet long. They are a very slim tree. The Norway spruces were about six inches high. That is the way to start trees to grow on that island.

Q. Then they came shipped to you in boxes?

A. Yes, sir.

Q. (By Mr. REED.) Do you remember when that was, Mr. Galvin?

A. No, I don't.

Adjourned, at 7.01 P.M., to meet on Wednesday, November 21st, at 4 o'clock P.M.

FORTY-FOURTH HEARING.

WEDNESDAY, November 21, 189.

The committee met at four o'clock P.M. in the Council Chamber, Chairman HALLSTRAM in the chair.

JOHN GALVIN. — *Resumed.*

Q. (By Mr. REED.) Did you have any rules, Mr. Galvin, when you were superintendent of Long Island?

A. I did, sir.

Q. And where were those rules? Where did you keep them?

A. They were placed in various places through the institution.

Q. Were they posted up on the walls in plain sight?

A. They were posted on the walls in a frame.

Q. And they were rules signed by yourself, I presume?

A. Yes, sir.

Q. Did you keep them posted all the time that you were superintendent there?

A. Did I keep the inmates posted?

Q. Did you keep the rules posted up in sight?

A. I tried as well as I could; and I think I was successful.

Q. And at Rainsford Island, do you have rules?

A. The same rules we have there, sir.

Q. Is that a copy of your rules, Mr. Galvin? (Holding up a set of rules in large type, appended hereto, and marked "Exhibit S.")

A. That is a copy of them, sir, that I have taken from one of the frames in the institution.

Q. Then you have them framed?

A. I have them framed; yes, sir; and I should have had these rules put up some time before that, if it were not that the poor people are illiterate. I never saw one of them reading the rules while I was there, and I thought, in fact, that they were useless; and I never wanted to see the walls covered with these notices, or I would have had those notices printed before I did. This was printed September 2, 1892.

Q. Well, something has been said, Mr. Galvin, about prisoners working on Long Island. Did you ever employ prisoners there? Did you ever have the prisoners at work on Long Island?

A. I have had prisoners brought over daily by Mr. Gerrish, superintendent of Deer Island. When I wanted men I sent over for these men, and he always sent them promptly.

Q. What did they do over there?

A. They were working on the farm.

Q. They were then working for the city?

A. They were working for the city.

Q. And, I presume, that among the prisoners at Deer Island there are very often many good mechanics, are there not?

A. You will find some of the best mechanics in the city among them.

Q. And when you needed a carpenter or a painter you were in the habit of sending to Deer Island?

A. Occasionally; yes, sir. I generally used to have a carpenter among my own inmates that was there constantly, and when I wanted an additional man, I sent to Mr. Gerrish for him.

Q. And the work which these men did on Long Island was work for the city?

A. Work for the city; yes, sir.

Q. I presume at times it might be possible to get a plumber from Deer Island?

A. Any time I wanted one, sir, I could get him.

Q. Did you ever have occasion to send there for a plumber?

A. Frequently.

Q. During your superintendency at Long Island some new buildings were erected there, were there not?

A. There were, sir. There was a new hospital.

Q. And do you remember who built that hospital?

A. McNeil Brothers, I guess, or McNeil. I don't know whether it was McNeil Brothers or McNeil.

Q. Well, McNeil was the contractor?

A. He was the contractor; yes, sir.

Q. And he brought his men there with him, I presume?

A. He did, sir.

Q. Now, Mr. Galvin, I want to know if you ever sent to Deer Island to get prisoners to work for Mr. McNeil on that building?

A. I never did, sir.

Q. Did you ever know of any prisoners working there under Mr. McNeil?

A. I know he had a hod-carrier — I think he had a man who used to mix the mortar, but whether he had any more than that I don't know.

Q. Do you know whether he paid him?

A. I think he did, sir.

Q. Did any of your inmates cease to be inmates and go to work for Mr. McNeil?

A. There was one of my men, a carpenter, who worked for Mr. McNeil. He came to me and asked for the privilege to earn a few dollars, and I told him he might, that he might go to Mr. McNeil; but before leaving I told him that if he boarded at the institution I would charge him for his board and return it to the Commission, which I did.

Q. Now, then, before he did any work for the contractor, he ceased to be an inmate of the institution and worked for pay, and paid his board?

A. Yes, sir.

Q. Did you ever tell any one, Mr. Galvin, that you got prisoners over there to work for the contractors, and that you had to do it — that you had been ordered to do it, and had to do it?

A. I never told that to a human being that I recollect of.

Q. And it was not a fact that you ever did anything of the kind?

A. Nothing of the kind, sir.

Q. And you never told anybody that you got prisoners over there and that you did it on your own responsibility, without consulting anybody, did you?

A. I don't hardly understand that, Mr. Reed.

Q. It has been said here that you sent over to Deer Island and got prisoners to work for the contractors — that they came over there, and then you let the contractors use them?

A. I never sent for prisoners to work for the contractors.

Q. And then it has been said, further, that when you were questioned about that you said you did it on your own responsibility?

A. That is not correct, sir.

Q. Something has been said, also, about the sanitary condition of the institution on Long Island during your term as superintendent there. I would like to ask you, Mr. Galvin, what the condition was as to cleanliness?

A. I considered it perfect at that time.

Mr. BRANDEIS. — What was that question?

Mr. REED. — I asked him about the condition of the institution as to cleanliness.

Mr. BRANDEIS. — Which institution?

Mr. REED. — The institution at Long Island, where he was superintendent.

Q. (By Mr. REED.) It has also been testified here, that two privy vaults out in the fields were all that the inmates were allowed to use?

A. That is a very wrong assertion, sir. They are used for the men who work on the farm, prisoners and inmates who work on the farm, and nobody else; and they were put there during the time when the building was going on.

Q. They were erected there, then, by the builders?

A. By the builders; yes, sir.

Q. For the use of their men?

A. Yes, sir.

Q. Now, what was the provision in the institution itself as to water-closets.

A. I think there are eight or nine places; at least that. More too, I should say.

Q. The inmates were allowed to use those places?

A. They were gotten up for them, of course, and they used them.

Q. That is what they were there for?

A. Yes, sir.

Q. Do you remember, Mr. Galvin, how many water-closets there were at each end of the main building?

A. At the west end, I think there were three or four; and I don't seem to recollect what was on the east end. But I know we had plenty of water-closets there, plenty of them.

Q. And were the inmates forbidden to use them?

A. Never. Allow me, sir, a moment to correct myself. Probably they might for five or six hours at one time when we were short of water, and not more than five or six hours, because at the time we were short of water I had men fetch up water in pails and flush out the water-closets regularly.

Q. Well, you don't remember exactly how many you had?

A. I said there were nine, but there were more than that.

Q. Were there as many as twenty when you left the island?

A. I hardly think so.

Q. You don't think there were as many as that?

A. I hardly think there were twenty, sir.

Q. Now, when you were there, did you ever sell any milk?

A. I think I have sold a few quarts to a German that was down there, for his family — I think I did.

Q. Well, at the time that you sold that milk, did you have plenty left?

A. We had plenty for the inmates — plenty.

The CHAIRMAN. — You can sit down, Mr. Galvin, if you prefer.

The WITNESS. — Thank you, sir.

Q. (By Mr. REED.) You never sold any milk, Mr. Galvin, when the selling of the milk would make a shortage in the milk that was left for the inmates, did you?

A. Never did, sir — never.

Q. I understood you to say that the food which is furnished to the inmates is the same now that it was when you were superintendent at both islands?

A. Just the same, sir.

Q. And that the inmates are as well satisfied now at your island, Rainsford Island, as they were when you were superintendent of both islands?

A. Equally as well; and to satisfy you on that, sir, I will show you this paper, which you can look at, if you please. (Holding up a long paper.) There is no discontent in regard to food there, or anything else that I know of. The court of justice I guess, will testify to that.

Q. Well, what is this, Mr. Galvin?

A. I will read it, sir. (Reading:)

RAINSFORD ISLAND, BOSTON HARBOR, November, 19, 1894.

The undersigned, inmates of the institution at Rainsford Island, consider it their duty to respond to the charges made by Mrs. Alice Lincoln, viz.: that the food was insufficient; that the soup was of an inferior quality, and that the institution was in a filthy condition. We desire to state that we have always received a plentiful supply of good food, and that the soup has always been excellent. Also, that under the care of the present superintendent, cleanliness in all the departments of the institution and in the clothing and persons of the inmates has been the unvarying rule.

On the day before yesterday, gentlemen, on account of the assertions that were made by Mrs. Lincoln, I announced at the dinner-table that if there were any of them dissatisfied with the food they got or the treatment they received, to come and sign a paper; and that those who were in favor of the treatment they received, I

asked them to come out in the office, and that was done (pointing to the petition), gentlemen, in three-quarters of an hour. I could have had more names to it, gentlemen, just as easy as that. Here are the witnesses, because quite a number of them are not able to write. The witnesses are Annie Adams, matron; Mrs. Catherine A. Dacey, matron, and Ann J. Wilson, matron. And here is the name of a most reliable man — Mr. Charles A. Dever, the resident physician. He testifies to that fact.

Q. (By Mr. BRANDEIS.) What was the date of that?

A. The date of this paper, do you say?

Q. Yes, sir.

A. This was November 19.

Q. 1894?

A. 1894.

Mr. BRANDEIS. — November 19, 1894 — the day before yesterday.

Mr. REED. — I believe that is all, Mr. Chairman.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Galvin, you were not appointed superintendent of Long and Rainsford islands by the present Board of Commissioners of Public Institutions?

A. I was not, sir.

Q. Your appointment antedated their own creation as a Board, didn't it?

A. Sir?

Q. You were appointed before that Board was created?

A. I was.

Q. And you stayed there from the time of your appointment until March, 1893, when Mr. Cogswell was put in charge at Long Island?

A. That is correct, sir — the 8th of March, 1893.

Q. And Dr. Cogswell took the place then?

A. Yes, sir.

Q. And the Commissioners then relieved you of the duty of attending to the two institutions, and enabled you to confine your attention to Rainsford Island alone?

A. Correct, sir; yes, sir.

Q. You stated yesterday how Rainsford Island was managed by you, and you stated that Long Island had been managed by you in precisely the same way in reference to the care of the inmates and the food and other things. That is correct, isn't it?

A. That is correct; yes, sir.

Q. That is, as you manage Rainsford Island now, so you managed both of them?

A. Just the same — not a particle of difference; not a particle.

Q. Now, you have had at Rainsford Island from time to time visits from the visitors to the Public Institutions — Mrs. Evans and the others?

A. I did, sir.

Q. You know that they submitted, in accordance with law, a final report under date of April 30, 1894, on all of the institutions?

A. I am aware of it, sir.

Q. Yes. You have read what they said in that report in regard to Rainsford Island?

A. I read, I think, the most part of it; yes, sir.

Q. Do you remember on page 32 of that report they say in regard to Rainsford Island:

The place is clean, and growing plants in the windows, and a large pet cat curled up upon a bed, give a touch of cheerfulness to the otherwise dreary wards. The inmates seem contented and attached to their superintendent, and no complaints of any kind were heard.

You remember that passage?

A. I remember that, sir.

Q. Is that true?

A. I have every reason to think so.

Q. You had frequent conferences with one or more of these visitors, didn't you?

A. I did for a brief period. I have had very little conversation with either of them.

Q. Well, occasionally you did have?

A. Occasionally; yes, sir, of course.

Q. And they were at the island, of course, at times?

A. They were.

Q. And they were given permission to examine everything that was there?

A. Yes, sir.

Q. Nothing was prepared for them? Nothing was put in better order when they came than usual?

A. That is correct.

Q. And you hadn't in any way deterred or instructed the inmates to say differently in any way from what they always felt?

A. Yes, sir.

Q. On the contrary, you told them to state just what they felt?

A. I told them that now was the time to make any complaints, and I said, "If any of you are too bashful to make them while I am here, I will leave the room."

Q. And they laughed at the idea of any complaint against you?

A. That is correct, sir.

Q. Did you have any complaint to make against the visitors?

A. You have never heard that I did, sir?

Q. I never heard that you did; no, sir.

A. No, sir.

Q. Have you any to make against them?

A. If I had reason to, sir, I would, but I have never had much reason to find fault. I was glad to see their pleasant faces down there when they came, and I showed them everything that I could.

Q. Did they interfere with your management of the institution?

A. No, sir.

Q. Did they create any insubordination down there, or injure the discipline?

A. It may be good policy to have such a Board, but I think

the fewer visits that are made by such a Board to an institution the better the institution will be, and the better the discipline.

Q. Did they do anything in your institution to create insubordination or to injure the discipline?

A. They did nothing, sir.

Q. They had no evil effect?

A. Not any more than this, that if there was a woman there that I found to be a little cranky, she used to threaten Mrs. Lincoln with me.

Q. Oh, but the visitors, the Board of Visitors, I mean?

A. Oh, the visitors — never found any fault with them at all.

Q. And you have no fault to find with them in any way?

A. No, sir; but I think that if the management is left to the Commissioners, or even to a single-headed Commission, I think the institution would be run better.

Mr. RILEY. — Isn't it a single-headed Commission now?

The WITNESS. — I don't know whether it is or not. I have recognized three Commissioners, always.

Q. Now, you remember in the same report of 1894, that so far as your institution is concerned, the only other recommendation which is made was that free passes be abolished in special cases, and that every influence be used to prevent the inmates from availing themselves of frequent discharges and readmissions. That is a matter with which you, personally, have nothing to do at all? It is wholly a matter of management by the Commissioners?

A. The Commissioners never interfered about these people going out on leave of absence, as we call it. They come down there as inmates; and my rule is that, except they show some good cause for getting out before that time, they shall go out after the expiration of a month; and I give them a pass, and they can come back in ten days without getting a pass from the Commissioners or whoever it is that gives it to them up here.

Q. Then you agree with the visitors that the greatest care should be used in regard to it?

A. I don't think it can be avoided in many respects. If an inmate has a sick relative it would be very unnatural for me to deprive them of the chance to see them.

Q. But you were careful not to allow them to go unless there was some good reason?

A. I was careful not to allow them to go unless there was some good reason, or until the expiration of the month.

Q. Just as the visitors recommended?

A. Yes.

Q. So, in that you are in entire sympathy with the visitors.

A. Yes, sir; that is a fact.

Q. Well, now, you said that you never heard any complaints in regard to food, and that you made it your practice to go at the time of the meals regularly into the dining-room to see how things were served there, to see that they were properly served, and that the men had enough to eat, and where you could detect at once if there was any ground of complaint. That is true, isn't it?

A. That is true with one exception, which I neglected to mention last night.

Q. Yes.

A. There was a woman there by the name of Susan Gallagher who complained of the chowder she had there. She complained to Mrs. Lincoln, and one of the inmates told me that she was making the complaint, and I went as near as possible to Mrs. Lincoln thinking she would speak to me about it. She never did so, and I announced from the table the following day that if any of the inmates ever received a bad chowder there at the institution since I came there to say so, and every one responded no; and I discharged that woman immediately. That is the only time I ever heard any fault found with the subsistence there.

Q. What I meant to ask was, whether you did, as a matter of fact, make it your business to go daily into the dining-room and to inspect this matter of food, personally, yourself?

A. I did, sir, every day.

Q. And not only in the dining-room, but you also made it your business, did you not, to inspect the food as it was sent to the island?

A. Yes, sir, I did; and had it weighed.

Q. And you had it weighed?

A. Yes, sir.

Q. So as to determine the quality and the quantity of the food?

A. Yes, sir.

Q. In order that there might be nothing wrong?

A. Correct, sir.

Q. And you sent back what wasn't good?

A. I never had occasion to send back anything in the way of subsistence, except one batch of fish.

Q. That is the only time? But you gave it your personal vigilance?

A. Yes, sir; I always used to and I do it now.

Q. And you deem it to be necessary for the proper conduct of the institution?

A. I think any superintendent ought to do the same thing. You may talk all you are a mind to about the management of these institutions, but I don't consider that the Commissioners are one particle to blame for all these complaints that have been made. If there are any complaints to make, it rests with the superintendent to burden them. Mr. Jenks is the man whom I suppose you referred to a minute ago by your remark in regard to a single head. Dr. Jenks told me repeatedly that if there was any poor meat or anything else that came to that institution, to return it immediately; but I never had any occasion to return it, because the meat was always good. That was the orders from Dr. Jenks, though.

Q. Now, you said also, Mr. Galvin, that when you were there, there was no difficulty with the ventilation of this upper room, because you used to go once or twice a day and see to it yourself, that it was properly ventilated?

A. I did, sir.

Q. And you believed that to be your duty?

A. It is the duty of any superintendent, I consider.

Q. Then you also said that you had no difficulty in getting the men to work?

A. I never had.

Q. Did you suffer any from insubordination or want of discipline?

A. Never.

Q. Were the men insolent to you?

A. Never.

Q. Did they refuse to obey your orders?

A. Never.

Q. And that was true during the whole time that you were superintendent?

A. During my superintendency, that was true.

Q. Of both Long Island and Rainsford Island?

A. Yes, sir.

Q. How did you treat these women and men?

A. Well, I think you have got a little tact?

Q. Thank you, sir.

A. As well as I have. I think you would treat them just about as well as I do. It requires a little tact, a good deal of tact, to manage those people properly. It is not the man's ability, but it wants a sympathy between the superintendent and the inmates.

Q. Did you ever observe any lack of sympathy between yourself and them?

A. I never did, sir.

Q. You had occasion at times to speak to the men in a body, didn't you — on one occasion at least?

A. What was the business?

Q. When you introduced your successor?

A. I did, sir.

Q. How did you address them then?

A. Sir?

Q. How did you address them then?

A. I addressed them as I ought to. It doesn't deprive a man of anything to address them as gentlemen. I called them gentlemen. They always acted that way, and I treated them that way, which I thought was my duty.

Q. And after you got through Dr. Cogswell addressed them; and how did he address them?

A. He can answer that himself.

Q. Didn't he say in substance: "I will not address you as gentlemen, because you are not gentlemen."

A. I will not say anything in regard to Dr. Cogswell. He can answer that question himself, if he ever comes on the stand. I gave you what I said.

Q. And you decline to say what Dr. Cogswell said, and in what manner he addressed the men at that time?

A. Well, you will learn it at a later period.

Q. Now, Mr. Galvin, these men were always contented when you were at their head?

A. I thought so.

Q. And they always had sufficient food during the time that

you were at their head, and made no complaints. Now, if it should turn out that after you went away and Dr. Cogswell was in charge they complained, to what do you attribute that fact?

A. I have nothing to do or say about it. I speak during the time that I was there, and no more.

Q. Well, if you should find, Mr. Galvin, that while you were there these upper rooms were ventilated, because they had your daily supervision in regard to the opening of the windows, and that after you left and Dr. Cogswell came in charge they were not opened at all, and that there was complaint about lack of ventilation, to what would you attribute the charge?

A. I don't know anything about it, sir. They are conducting the institution without my superintendency. They have got a better one there.

Q. Well, now, if you should find that while you were there the men worked voluntarily, that they followed and obeyed your requests, and were courteous, and that after you left they were insolent and showed insubordination and refused to work when Dr. Cogswell told them to, to what would you ascribe that change?

A. I think if they received the same treatment I gave them, there would be no trouble.

Q. Well, now, Mr. Galvin, you stated that at no time had the Commissioners refused to comply — perhaps before I ask you about that, I had better ask you this question: You knew Mr. McCaffrey?

A. I knew him after he came down there to Long Island as a deputy — not before.

Q. And you have spoken of Mr. McCaffrey, of his ability in in the discharge of his duties?

A. When did I speak about it?

Q. To the visitors. To Mrs. Evans.

A. I don't recollect it. I may have, but I don't seem to recollect it.

Q. Don't you recollect speaking to her about the ability and qualifications of Mr. McCaffrey?

A. I might have, but I don't recollect it.

Q. Don't you remember telling her what you thought of his ability and qualifications?

A. No, sir; but I will answer you now, Mr. Brandeis, that he performed his duties to my entire satisfaction during the time that I was there. I found him a good man. What he was afterwards, I cannot account for.

Q. While you were there did you discover in Mr. McCaffrey any qualities which would lead you to suspect him in any way?

A. For what?

Q. As to his truthfulness?

A. Never saw any reason why I should think so.

Q. Did you ever observe anything lacking in the faithful performance of his duties?

A. Never, sir.

Q. Did you find him intelligent and efficient?

A. I did, sir.

Q. You also expressed to Mrs. Evans your opinion in regard to Dr. Parker, whom you had occasion to observe from time to time?

A. Well, I don't recollect the conversation. I might have said something about Dr. Parker if the thing was brought before me.

Q. Well, it was brought to your attention?

A. I might have, but I am getting old and my memory is not so good as it was fifty years ago, and I don't remember saying anything about it.

Q. What was your opinion in regard to him?

A. In what way?

Q. As to his ability? As to his qualifications for the position?

A. I think for a young man he is possessed of a great amount of ability, as far as I have seen of him.

Q. And did he appear to be faithful in the discharge of his duties?

A. I thought so.

Q. Beg your pardon?

A. I thought so.

Q. He has occasion to come, also, to Rainsford Island now and then?

A. He has, sir.

Q. And in the performance of his duties there, how has he appeared?

A. He gave entire satisfaction.

Q. Have you ever observed anything in Dr. Parker which would lead you to suspect his statements?

A. I never did, sir, — never did.

The CHAIRMAN. — If you prefer, you can sit down any time.

The WITNESS. — Thank you, sir; thank you.

Q. Now, Mr. Galvin, you stated that you received from the Board of Commissioners everything that you asked for except some heifers?

A. I did, sir.

Q. Do you mean by that to say that you received everything promptly that you asked for?

A. I didn't say promptly.

Q. Well, how promptly did you receive things?

A. Well, we call for requisitions twice a month — the 15th and the 1st. If I called for a thing on a requisition on the 15th, they are delivered before the 1st, as a general thing. If they were not, then I renewed my requisition for the 1st of the month; and if they didn't come I called for them again; and most generally they are furnished.

Q. Now, in regard to the things required for the proper management of the institution, did you mean to imply in the statement that you had obtained everything that you asked for? Did you mean to make any exceptions of any kind except the heifers?

A. I don't make any exceptions at all, sir.

Q. And all the recommendations you made from time to time in regard to things needed for the proper administration and

equipment of the institution were complied with by the Commissioners?

A. What does Mr. Brandeis mean by "equipment"?

Q. I mean the things that you need in every way for the proper care of the paupers and the proper administration of the business?

A. Yes, sir; I got everything that was needed in the way of clothing, subsistence, and medicine — everything, sir.

Q. Well, excepting, or in addition to, clothing, subsistence, and medicine, did you get everything you asked for?

A. What is there?

Q. Well, attendants — and buildings.

A. Well, I have got a peculiar method of running an institution. I don't know whether it is a good one or not; but I know it is an economical one. When inmates come down there sick, they are taken care of until they get well; and after they get well these inmates are made to work and earn their board — every one that is in the institution — and I have always found that they were just as willing to work as these people whom you hire; and, to-morrow, for plain nurses give me the nurse which is cured down there instead of a nurse that you could get for \$10 or \$12 a month up here.

Q. Well, I asked you, not for your opinion in regard to nurses, but in regard to whether you had received all you asked for in the way of equipment and buildings and nurses and attendants?

A. I don't know that I ever asked for any nurses or matrons. I don't recollect it. I may have, but I don't recollect it.

Q. Well, was there anything in the way of economical and productive management of the place which you asked for and did not get — anything that you seemed to think was necessary?

A. I said I got everything I called for.

Q. And your recommendations were all acted upon, were they?

A. Yes, sir.

Q. Now, in 1889, in your report submitted December 31, 1889, which was the first report that you submitted to the Commissioners, you speak of the condition of the island; and with a view to its economical administration you say:

I would recommend the putting up of some greenhouses for the raising of plants and flowers for the Boston market; by so doing the old men could be kept employed in winter; the work would not be laborious, and their labor would be profitable.

Q. Was that recommendation of yours ever acted upon?

A. It was not a requisition.

Q. I didn't ask you in regard to a requisition.

A. I think you did, Mr. Brandeis, if I didn't make a mistake.

Q. "Recommendation" was the language I used.

A. Well, I didn't understand you properly if that was the case.

Q. Your recommendations were not acted upon?

A. That was my recommendation at that time, sir.

Q. Was it acted upon?

A. No, it was not.

Q. It was not?

A. No, sir.

Ald. LEE. — That is, he didn't get them ; but you don't know whether or not they were acted upon.

Mr. BRANDEIS. — Not acted upon favorably.

Ald. LEE. — Well, that would be a matter for the City Council to determine, not for the Commissioners.

Mr. BRANDEIS. — The City Council or the Commissioners.

Ald. LEE. — No ; they could not do it unless it was included in the amount allowed them after they had submitted their estimates.

Q. (By Mr. BRANDEIS.) Now, you also say in that report: "I would also advocate the raising of small fruits, such as strawberries, raspberries, currants, etc."

A. That was in the general recommendation ; yes, sir.

Q. But was that done ?

A. That wasn't done.

Q. That wasn't done at all ?

A. No, sir.

Q. Then, that, also, you have not obtained ?

A. No ; but it doesn't amount to the ordering of a thing on a requisition, by any means.

Q. Then, perhaps, we haven't understood each other.

A. No, sir ; that is it.

Q. Then you say in this same report: "The land is excellent, and capable of yielding very large crops by proper cultivation." And then you go on from year to year recommending proper cultivation there. You didn't get it, did you ?

A. What was the proper cultivation, any more than what Mr. Brandeis said a few moments ago ?

Q. Fertilizing the land. Wasn't that a pretty important thing ?

A. Well, they do cultivate the land to a considerable extent.

Q. Fertilizing the land you thought was necessary ?

A. Every farmer does it, I think.

Q. You didn't get the manure you wanted, did you ?

A. I didn't call for it, did I ?

Q. Well, let us see. That was 1889, when you first made that suggestion. Now, let us see what you said afterwards. Now, in the reports dated December 31, 1890, on page 108 of the Commissioners' report, you say :

The land on this farm is excellent, but previous to the city getting possession of it, did not receive proper care, as it was cultivated without being fertilized to any extent. Consequently its condition is poor, and in order to put this land in a proper state for cultivation, I would recommend procuring the manure of a stable in the city of about one hundred horses, and have it sent down by a lighter. By so doing, good crops can be obtained.

Q. Do you remember now that you did recommend that ?

A. I remember that, sir.

Q. Then you did recommend it ?

A. Well, I thought you were discussing the care of the inmates, and not the farm.

Q. Well, we are talking about the manure. Do you remember whether that was the last time you had occasion to recommend that ?

A. No, I don't think so. There were more.

Q. Well, let us see whether it was or not, because we are on the question of economy now. Here, under date of December 31, 1891 — this is third appeal — you say :

There is no reason why, with sufficient labor and proper care, this island should not repay a large percentage of the present cost of maintenance. At the time of its purchase by the city of Boston, the land was in an impoverished condition, and it still requires a large amount of fertilizer to make it fully productive. By permitting the raising of small fruits, plants, and flowers for the market, a considerable sum would doubtless be realized.

You still insist upon that as the economical and proper management of the place, in spite of the treatment which your recommendations had received?

A. Some people wouldn't call that economy, would they?

Q. Didn't you consider it so?

A. Well, I am only one individual; but the Commissioners, I suppose, thought otherwise.

Q. But you still insisted upon that, didn't you?

A. I insisted; but three heads are better than one, sir.

Q. Now, let us see whether you didn't continue to insist upon it. Let us see what you said the next time. This is under date of February 1, 1893, just before your valedictory. You there say :

I should recommend that some method be adopted for procuring a more liberal supply of manure for this island, as our facilities are not sufficient to procure enough fertilizers to feed this hungry land.

So that you adhered to that view until the end?

A. So it appears, sir; so it appears.

Q. And your idea in renewing that recommendation was with a view to economy. That is true, isn't it?

A. That is true; yes, sir.

Q. Well, that is not the only recommendation that you made with a view to economy?

A. There may be more — probably there are.

Q. You made some more recommendations in regard to the economical management of the place?

A. Do you call that economy? The Commission, as I said before, didn't call it economy.

Q. Well, it is economical, isn't it, to get the best value you can out of land and pay the cost of maintenance?

A. Well, the Commissioners thought different.

Q. Well, why did you insist after they had refused? You are not so obstinate as all that?

A. I am pretty obstinate when I set out.

Q. But you think now that you were wrong?

A. No, sir — I beg your pardon.

Q. You think you were right, still?

A. I think I am right, sir.

Q. That recommendation that you put in four consecutive reports you think is right?

A. That didn't make it wrong, did it?

Q. No, sir; I agree with you, fully. Now, there was another thing that you wanted with a view to economy down there. You remember that you thought the swill and the slops from the buildings could be profitably used, and be made to bring in some return by the keeping of pigs down there?

A. Well, they do keep pigs, and always did.

Q. Well, you wanted a piggery, didn't you?

A. Yes, I called for a piggery there.

Q. Well, what became of that recommendation that you made?

A. We kept the pigs, but we didn't get the piggery.

Q. Well, why did you ask for a piggery?

A. Sir?

Q. Why did you ask for a piggery?

A. To have room for the hogs — that was all.

Q. What?

A. To make room for the hogs — that is all.

Q. And to be able to take care of the number that you ought to have?

A. And to be able to take care of them; yes.

Q. That wasn't a luxury?

A. No, sir.

Q. There is economy in that?

A. There is economy in that, I think.

Q. Now, let us see how your recommendation fared with the Commissioners. On December 31, 1889, you made your first report to the Commissioners, in which you say, "A piggery is also very much required." That was in 1889. In 1890 you repeat the statement, and say, "The most important additions needed for the coming year are a new barn and a piggery." You didn't bring anything about by that recommendation?

A. I guess they got a new barn, didn't they?

Q. I don't think they got it then. I guess they got it later.

A. They got a new barn.

Q. Then, December 31, 1891, you again say, "I would recommend the building of a new piggery on Long Island and coal-sheds on each island." That was in 1891. February 1, 1893, in your next report, you still persevere in this assertion.

A. Oh, I am a very persevering man when I undertake to do anything.

Q. And you then said, "I would again call your attention to the necessity of having a coal-shed on Long Island, also a piggery." That was the report for the year 1892. Now, strangely enough, although you and Dr. Cogswell differ in most respects, you seem to agree in this thing. Dr. Cogswell, in his report submitted February 1, 1894, says: "If we had the building, we could keep 200 or more hogs, without much, if any, expense to the city." That is the same idea that you have expressed previously?

A. I didn't say the number that I could keep.

Q. But it was the same general idea?

A. Yes, sir.

Q. And in this respect you and he were in harmony?

A. I don't think you could raise as many as that.

Q. How many do you think?

A. I am not going to give my opinion on it.

Q. So, there was another class of recommendations which you made to the Commissioners in regard to the economical management of the place which the Commissioners did not act upon favorably. Now, you also asked for some coal-sheds. That was with a view to economy, wasn't it?

A. It was for the protection of the coal. Whether it was economy or not may be a question.

Q. But you made that with a view to economy, didn't you?

A. I don't know what you call it.

Q. Well, did you propose to protect it for a luxury, or for beauty, or what?

A. I don't know. When I was a young man it was very seldom that you would see coal covered; and whether it is economy now to keep it covered or not is a question to be decided.

Q. You wanted it because you thought it was more economical?

A. That was my single opinion.

Q. That was the reason you asked for it?

A. Yes, sir.

Q. Do you remember when you first asked for it?

A. No, sir, I don't.

Q. Well, we will go back to the report of 1890. You there made a very valuable report, in which you said that you wanted "a coal-shed for the back or south wharf." You didn't get that, did you?

A. No, sir.

Q. But you persevered, and in 1891, you again say, "I would recommend the building of . . . coal-sheds on each island." That was also with a view to economy; and in 1892—

MR. PROCTOR. — Pardon me for interrupting, but what is the use of taking up the time of the committee with this sort of cross-examination, when a perusal of the reports of the Commissioners who show that the Commissioners also united with the recommendation made by Mr. Galvin, and the City Government struck those items out? What is the use of wasting time.

MR. BRANDEIS. — Well, we will endeavor not to waste time, sir, but we will call attention to what we think is necessary.

MR. PROCTOR. — Well, I have called your attention to that fact.

Q. (By MR. BRANDEIS.) In 1893, Mr. Galvin, you again repeated that — didn't you — calling attention to the necessity of having a coal-shed on Long Island?

A. Yes, sir.

Q. And here is another thing on which you and Dr. Cogswell have united.

A. I beg pardon, sir, I never spoke to Dr. Cogswell about it.

Q. No, but your opinion in the matter is one of the few things upon which both of you agree. "A coal-shed would save much more than the annual interest on the cost." That is true, isn't it?

A. I don't know, sir. I couldn't test that.

Q. You think it is true?

A. No, I never tested it so as to state it for truth.

Q. Well, now, who were your physicians down there while you were in charge?

A. Well, we had a number of them.

Q. Yes, who were they?

A. I don't know as I can call them all by name now.

Q. Dr. McLaughlin was one?

A. Dr. McLaughlin was one, Dr. Harkins was another, and we had a Dr. Shea there — he was another.

Q. Was he the physician in charge or was he assistant?

A. Dr. McLaughlin was the head physician.

Q. And Dr. Harkins was head physician?

A. He was after Dr. McLaughlin.

Q. Yes, and Dr. Holmes?

A. Dr. Holmes, of course.

Q. He was the head physician?

A. Yes, sir.

Q. And what was the general character of the physicians whom you had under you there?

A. I called it good.

Q. Did they faithfully perform their duties?

A. I think so.

Q. Did they seem to be intelligent and efficient men?

A. I think so. One of them was called to administer at the State Prison there. That is a pretty good recommendation for him — Dr. McLaughlin, I consider him as nice a young man as there is in the city of Boston to-day.

Q. And able in his profession?

A. And able in his profession, sir.

Q. Diligent?

A. Diligent.

Q. Intelligent?

A. In every way, sir.

Q. And was that true also of the others?

A. Which of the others?

Q. Dr. Holmes and Dr. Harkins.

A. Dr. Holmes couldn't begin to compare with Dr. McLaughlin. Dr. Harkins is as good a practical young man as you will get in Boston.

Q. That is, Dr. Harkins and Dr. McLaughlin stand out pre-eminently as the physicians of the island?

A. I call them celebrated doctors, for young men.

Q. And they are men in whose opinions you personally had great confidence?

A. Yes, sir; I had every confidence in them.

Q. And I presume in matters relating to the hospital, you deferred to them, not being a medical man yourself?

A. Always, sir, always.

Q. And you practically regarded them as heads of the hospital?

A. Always, sir. I went through the hospital, as I stated last night, and if there was any complaint to make I heard it and went immediately to the doctors and it was rectified.

Q. Now, you said something about this building which had been used last summer for a children's hospital under Dr. Ernst. That was the same building that had formerly been used as a hospital on the island?

A. Yes, sir.

Q. What was the occasion of referring to that building yesterday and the use to which it had been put?

A. I didn't refer to it?

Q. Well, what did you understand was the occasion for referring to it?

A. I understood nothing; only answered the question that was put to me.

Q. Well, you answered that the condition of it and the building itself had been highly complimented by Dr. Ernst, the eminent bacteriologist?

A. It was; yes, sir.

Q. And did you infer anything from that fact with reference to questions that had been considered in the past, the sufficiency of the building?

A. He thought that the building was as good as he could obtain anywhere for the purpose that he wanted it for.

Q. Yes; well did you mean by that, by answering those questions, to imply that the criticisms which Mrs. Lincoln and some others had passed upon the building as a hospital building were unfounded?

A. I don't understand what criticism was made by Mrs. Lincoln.

Q. Well, Mrs. Lincoln did complain in times past, you know, that the hospital accommodations were entirely insufficient there, didn't she?

A. In what respect?

Q. Well, insufficient for all purposes for a pauper hospital for Boston?

A. They were well taken care of there as I thought.

Q. And the building was proper?

A. I don't think they made any complaints to Mrs. Lincoln.

Q. But I didn't ask you whether they made complaints to her or not.

A. If there was reason to find fault I think they would find fault to Mrs. Lincoln.

Q. But your physicians found fault before Mrs. Lincoln ever appeared on the scene, didn't they?

A. What about?

Q. About that hospital down there.

A. Let us hear what they said.

Q. I asked you whether they did not?

A. My memory don't serve me right. It is now before you and you can read it, and then I will answer.

Q. Well, all right. You can have it. This is Dr. McLaughlin's statement in the report for 1889, the first report which you submitted to these Commissioners:

It is remarkable that a building which was a small-pox hospital fifty-seven years ago, and which since then has undergone no material improvement, should up to the present time be the only hospital connected with our pauper institutions.

A. I recollect that, sir.

Q. You recollect that?

A. Yes, sir.

Q. And that was true, wasn't it?

A. Yes, sir; that was true.

Q. So that you didn't blame Mrs. Lincoln for complaining afterwards that nothing had been done about the thing that your physician, Dr. McLaughlin, thought was a disgrace to the city, did you?

A. I don't see why Mrs. Lincoln complained any more than any other visitor that comes there. I don't think she has any more privilege.

Q. Well, don't you think every good citizen of Boston is interested to see that the institutions are the best places of the kind in the world?

A. There are many good ladies who come down there and no criticisms are made of any of the buildings down there except by Mrs. Lincoln.

Q. Well, do you think Dr. McLaughlin was wrong?

A. In what respect?

Q. In this complaint, this expression of surprise?

A. I didn't say so.

Q. But you seem to find fault that Mrs. Lincoln or any other person should go down and find fault with the building?

A. Is her opinion worth any more than any other individual's?

Q. Well, if her opinion coincided with Dr. McLaughlin's, you would think it was entitled to some respect, wouldn't you?

A. I always respect her opinion, sir, always. It is not a modern hospital, of course. It was not expected to be, by any means; but I think to-day, sir, the Commissioners of Public Institutions will show you as good a hospital or hospitals as you will find in any other part of the country.

Q. Well, what they complain of and what was complained of back in 1889, 1890, and 1891, was this thing down there, wasn't it?

A. I don't see as the Commissioners or the superintendent had anything to do about that.

Q. I am not asking you that question, but am asking you if that is not what was complained of at the time? Mr. Brownell complained of it, too, didn't he?

A. Well, as I said last night, he wasn't hardly responsible.

Q. Well, he did it, didn't he — happened to strike it by a mere coincident?

A. Well, he is as nearly right there as about finding vermin about the institution.

Q. You think he was wrong, then, in his complaints about the hospital?

A. Oh, I give him his opinion; that is all.

Q. What do you give Dr. McLaughlin?

A. I guess you have got the opinion of Dr. McLaughlin before you.

Q. Well, he said this very thing, didn't he?

A. What very thing?

Q. That the building was a disgrace as a hospital?

A. Well, if you had no other building what could you do, supposing it was such a place?

Ald. BARRY. — I would like to say a word right here, Mr. Brandeis. The Commissioners, of course you know, always stipulated in the report that they ought to have these things done, as the City Hospital has, for nearly ten years.

Mr. BRANDEIS. — Yes, sir.

Ald. BARRY. — They have done the same thing, and it is only in the last two years that the City Hospital people have got what they have been asking for, and it was only because they didn't have the finances to do it with.

Mr. BRANDEIS. — I fully appreciate and I see, Mr. Alderman, that you do not apprehend the purpose of my question.

Ald. BARRY. — I am only anxious to get through the investigation.

Mr. BRANDEIS. — I know, but you are anxious also to get the real facts, and I will tell you the purpose of the question.

Mr. REED. — The question ought not to go back to the old building.

Ald. BARRY. — I think every member of the committee understands that that building was not a fit building at that time to be used. We feel that way about it.

Mr. BRANDEIS. — I am not trying to blame the government, because if the building had not been thought unfit they would not have appropriated a large sum for another. I am fully aware of that fact. But I believe this witness, under the guidance of counsel, has made a statement which I do not believe he will insist upon — that Mr. Brownell's and Mrs. Lincoln's statements were groundless.

Mr. REED. — I don't think he said anything of the kind.

Mr. BRANDEIS. — I think he did.

The WITNESS. — I beg your pardon, sir. With regard to Mr. Brownell, I think he made statements entirely uncalled for and which he had no reason to make. He searched as much as he could to find some vermin in that institution and failed to do so, and finally, after doing all he could, upsetting a dozen beds, as he said, he could not find the sign of a vermin only in one place, where he thought he found the tracks of a bug. Now, if you will go into the best hotel in Boston, you gentlemen or ladies who are in the habit of travelling, you will find bugs sometimes in the best hotels.

Mr. RILEY. — Big bugs.

Q. (By Mr. BRANDEIS.) I hope not.

A. I think so — in the best hotels in Boston, as good hotels as we have got.

Q. I hope not, but, Mr. Galvin, what I am endeavoring to

direct my attention to is to ascertain whether you meant to imply that Mrs. Lincoln's criticisms were groundless?

A. No, I have more respect for Mrs. Lincoln than to think that anything she says is groundless. Mrs. Lincoln is a lady I have great respect for, sir, and I never should be here sir, to-night, only for the statement Mrs. Lincoln made in regard to the filth and the inmates not getting enough food. I should never have appeared here as a witness but for that.

Q. But you quite admit that Mrs. Lincoln's statements in regard to various defects and needs of the institution, other than that which you have just spoken of, are well founded?

A. Mrs. Lincoln is a lady possessed of a great deal of judgment and I would give a good deal for her judgment. I would say that, sir; but probably she is as liable to make mistakes as other ladies.

Q. Or men?

A. Yes, sir; very true, sir — very true.

Q. Well, now, you not only credit very highly her judgment —

A. I do, sir.

Q. But you also know that she has made a special investigation and study of this particular problem, hasn't she?

A. It appears so.

Q. In connection with these institutions?

A. It appears she has, sir.

Q. Well, you know she was there frequently herself?

A. Well, I think she has a perfect right to, and I will give you my reason for it.

Q. Go ahead.

A. Mrs. Lincoln keeps a number of houses to let. Mrs. Lincoln is a thorough business woman and she demands her rent in advance; and as soon as these poor people are not able to pay the rents in advance she is condescending enough to send them to the poor-house, and, consequently, she goes to see them there.

Q. You mean she comes to see the people there?

A. I think she is interested in that way, sir, as much as any other. That is my impression. I may be wrong.

Q. I guess you are wrong.

A. I am sorry if I am, sir. Now, let me ask you —

Q. If I testify later, I will be happy to answer questions, but now you are answering my questions. Now, will you tell me some of the poor people whom Mrs. Lincoln turned out of her tenement-houses?

A. I didn't say she turned out any.

Q. Well, didn't you mean to imply it?

A. Had to leave — I don't know whether she put them out or not.

Q. Name one?

A. I will name one, if it is any satisfaction to you, sir.

Q. Who is it?

A. The lady mentioned here last night.

Q. Can you tell me the facts in regard to that?

A. I can't tell you the facts, but I think it was admitted by

Mrs. Lincoln that the lady was a tenant of hers for years. And as soon as she wasn't able to pay her rent in advance she had to get another residence somewhere else and Mrs. Lincoln took her to the poor-house.

Q. You know about that?

A. I received her at Austin Farm, through Mrs. Lincoln.

Q. (By Ald. Barry.) How do you know that she was a tenant?

A. She was a tenant, as Mrs. Lincoln admitted herself, and a nephew of hers is at Rainsford Island now, and he was a tenant also of hers.

Q. (By Mr. BRANDEIS.) Now, Mr. Galvin, do you want this committee to believe that in your opinion Mrs. Lincoln's interest in the institutions on Long Island and Rainsford Island is for any such reason as you have alleged?

A. I don't know that it is so.

Q. What do you think of Mrs. Lincoln's interest in those institutions?

A. I don't know what her reasons are, I say that for one, and I don't change it.

Q. What?

A. What I have said.

Q. You think she is interested in those institutions because she wants to see them bettered, don't you?

A. I don't think she can make them any better by doing what she is doing.

Q. Why not?

A. Because the less hatred is aroused in regard to taking care of the institutions the better they will be taken care of.

Q. I asked you if some things would be done if she didn't call attention to them?

A. Would be done just the same if she didn't call attention to them.

Q. Did you call attention to them?

A. To what?

Q. Do you think it is desirable to have fire-escapes at Rainsford Island?

A. Well, it may be desirable.

Q. Well, is it? Do you have any doubt about it?

A. It is desirable to have fire-escapes on all buildings, I suppose.

Q. And they have put them down on Rainsford Island recently, haven't they?

A. You say so.

Q. Well, you know whether they have or not?

A. You say they did.

Q. Well, is it a fact?

A. Yes, it is a fact.

Q. When were they put there?

A. Oh, within a year, some of them.

Q. Yes, and you have had charge of Rainsford Island how long?

A. About six years.

Q. Did you ever recommend those fire-escapes at Rainsford Island?

A. I did not; did want a fire-escape at Long Island.

Q. I am asking now about Rainsford Island, which has been under your charge. You didn't recommend that?

A. No, sir.

Q. What did the Fire Commissioners or their agent who went down there say about the necessity of fire-escapes at Rainsford Island?

A. Said it was required.

Q. Was that all — "required"? Didn't he speak rather strongly on the subject?

A. I guess so.

Q. What did he say?

A. I don't recollect now.

Q. He spoke in the strongest possible terms, didn't he, as to the necessity of that, and upon receiving his report did not the mayor immediately order the fire-escapes put in?

A. Yes, sir; I think so.

Q. And that was complied with in every respect?

A. Yes, sir — I think so.

Q. Now, I ask you if Mrs. Lincoln hadn't been urging those fire-escapes, the necessity of which you have ignored, in the papers for years and to the Commissioners?

A. How do you know I ignored them?

Q. You say you never recommended them?

A. I never did.

Q. Then you ignored them, didn't you?

A. Yes.

Q. Now, hasn't Mrs. Lincoln urged the necessity of good nursing and more attendance down there?

A. I suppose she has.

Q. Was she right?

A. And she recommended trained nurses.

Q. Was she right?

A. No.

Q. That is a matter of the hospital, is it?

A. Yes, sir, of the hospital?

Q. And you go by what your physicians say?

A. At her suggestion we had trained nurses at Austin Farm, and when you get one trained nurse you have to have two to wait upon them.

Q. Now, let us see what your physicians say, for whom you have so much respect?

A. In favor of it — I understand that.

Q. You have said that you have a great deal of respect for the physicians who have been at the head of the hospital?

A. I have.

Q. Now, take the first one, Dr. McLaughlin?

A. That is correct.

This is addressed to you, in the report of 1888:

You may have remarked, also, how, oftentimes, since the establishment of our institution, there was a difficulty connected with the obtaining of capable hospital attendants to perform the work we wish them to do, so many aged and feeble are there here. An efficient corps of nurses or attendants, trained to intelligently perform the work connected with the care of the sick, is an object we earnestly look forward to seeing obtained. As it is now, our only available nurses are compelled to perform both day and night duty.

Do you remember that?

A. I do.

Q. Now, see whether you remember this, in the report of December 31, 1891. This is by the other eminent physician, Dr. Harkins:

“Again, I would recommend the appointment of several female nurses, whose compensation might be necessarily small on account of the instruction which they would receive and the benefit which they would derive from their experience and instruction in the care of both male and female patients. A woman can accomplish much more than a man in caring for the sick.”

Now, Mr. Galvin, that statement, which was made by Dr. Harkins, was repeating and reaffirming what Dr. McLaughlin had said two years before, and also made to you, too, wasn't it?

A. What is that?

Q. That statement was made directly to you before that time?

A. Yes; that is correct, sir.

Q. When was it made to you?

A. You have got the date there.

Q. When was it?

A. I don't recollect the date of it now. You have got it there.

Q. Now, I will ask you if this was not what was said:

SEPTEMBER 11, 1891.

MR. JOHN GALVIN, *Supt.*:

DEAR SIR: In view of the large number of patients now being treated in the Hospital Departments (the largest number at this season of year since the establishment of the Institution), and on account of the nature of the work to be performed, I would respectfully recommend an increase in the corps of attendants, as follows:

(1.) Another female attendant in the women's ward at Long Island. There are at present sixty-one woman in this ward, too many by far to be properly cared for by one attendant.

(2.) Another male attendant in the men's wards at Long Island, where at present our attendant is responsible for ninety-seven (97) patients.

(3.) A cook, whose sole duty shall be to attend to the diets for the Hospital Department. This work is now being done very satisfactorily by inmates.

(4.) A female night attendant at the Rainsford Island Hospital. It is necessary that the attendants here perform both day and night duty, and this, we cannot in reason expect them to do.

(5.) A female day attendant at the Infirmary, so called, at Rainsford Island. Here the attendant is obliged, in addition to her duties in caring for the sick, to take care of the laundry, and three institution dormitories besides.

(6.) A female night attendant at the Infirmary. At present there is no paid attendant or watchman on Rainsford Island who is responsible after 8 P.M.

(7.) I would also suggest the propriety of appointing some one a "special policeman" on Long Island. Occasions, by no means few, have arisen where the physicians and deputy have been obliged to do police duty.

These suggestions are made with the fullest faith in those who now perform their duties in the Hospital Department.

Respectfully yours,

DANIEL S. HARKINS.

Well, now, this cry for more nurses which Dr. McLaughlin and Dr. Harkins made, both publicly and privately, to you, was just in accord with what Mrs. Lincoln afterwards urged, wasn't it?

A. I think ; so yes.

Q. Yes.

A. I think so.

Q. So that Mrs. Lincoln in urging this improvement in the hospital was simply corroborating and reinforcing the appeals which were made to you and to the Commissioners and to the city authorities, whoever they might be, which the eminent physicians who had had charge of those institutions at first originated. That is true, is it not?

A. Did Dr. Harkins have any motive for that but for the benefit of the inmates?

Q. Well, no, I suppose not, from the high recommendation which you gave him a few moments ago?

A. I gave him a high recommendation, and I know him thoroughly.

Mr. REED. — What is the date of that?

Mr. BRANDEIS. — September 30, 1891.

The WITNESS. — At that time Dr. Harkins was trying to get to be superintendant at Long Island, and that was his motive for calling attention to these things.

Q. (By Mr. BRANDEIS.) Oh, that is it.

A. There is, I guess, as many as thirty-seven officers now on Long Island. When I had both islands I had about twenty ; and I don't believe there were as many complaints then as there are to-day, and that the inmates were as well taken care of then as they are now.

Q. That may be due to the lack of efficiency of the present superintendent as compared with his predecessor?

A. I don't throw any blame on him, sir, not at all.

Q. But you admit, Mr. Galvin, that although Dr. Harkins never became superintendent of Long Island, these various recommendations which he and afterwards Mrs. Lincoln made were adopted by the Commissioners?

A. Dr. Harkins, I think, had as much help as he needed there by the inmates. That is my impression, and I put the question to him frequently.

Q. Well, but now we are talking about a case where Dr. Harkins was not superintendent, because Dr. Harkins was not superintendent at Long Island and Dr. Cogswell was, and these various recommendations which Mrs. Lincoln, echoing Dr. McLaughlin and Dr. Harkins, made, seem to have been adopted by the Commission?

A. So it appears, yes, sir ; so it appears.

Q. And apparently the Commissioners agreed with Mrs. Lincoln and Dr. McLaughlin and Dr Harkins?

A. Very likely ; yes, sir.

Q. So you would not impute any lack of judgment to Mrs. Lincoln in following the lead of your physicians in asking for these things?

A. Not at all. I never found fault with Mrs. Lincoln's judgment, at all, sir.

Q. Now, Dr. Harkins asked for other things, didn't he — for instance, for an apothecary, so that medicines might be put up by some one who was skilled in the art?

A. He had one.

Q. He asked for one first and he got one, didn't he?

A. Yes, he did, sir.

Q. Yes. And so in that respect the complaints or the requests for improvement, however you care to name them, were heeded?

A. Yes.

Q. Well, there were other things that Mrs. Lincoln asked for that were granted, weren't they, by the Commissioner?

A. Probably there were ; yes.

Q. Yes. Mrs. Lincoln called attention to the crying need of a separate room for the dying, didn't she?

A. That is correct ; yes, sir.

Q. She was the first person to call attention to that?

A. I think she was ; yes, sir.

Q. And the Commissioners thought well of her recommendation, didn't they.

A. Yes ; it was granted, wasn't it?

Q. So she did some good there, didn't she?

Q. Yes ; it was granted, sir.

Q. I mean she did some good, didn't she?

A. Probably she did in that respect.

Q. Well, Mrs. Lincoln also called attention to the importance of benches outside on which the inmates could sit down and take some fresh air, and that request was granted, wasn't it? The Commissioners thought well of it and recommended it, didn't they? Mrs. Lincoln also urged that there be screens to protect the women when they were bathing from the general view. That recommendation, also, was acted upon, wasn't it?

A. There were screens there without a recommendation, before she recommended it.

Q. There were?

A. Yes, sir.

Q. There were some new ones, however, after she recommended it?

A. Oh, there were more screens after that, but they were there before that.

Q. Then Mrs. Lincoln also recommended that there should be some more comfortable chairs?

A. Yes ; and she procured them.

Q. Yes, and afterwards the Commissioners followed her kind example and procured some at Long Island, of the same kind?

A. I don't know whether she did or not.

Q. At all events, she did get some there, didn't she? Well,

you spoke of a drum for the vermin having been procured for the hospital, didn't you?

A. When, last night?

Q. You spoke of it last night, yes.

A. I don't recollect of it.

Q. A drum for destroying vermin — you remember that?

A. Last night?

Q. Well, yesterday.

A. I don't recollect it.

Q. Well, but it was procured, wasn't it? There was a drum for the vermin on each island procured?

A. Yes, sir.

Q. And that was procured after Mrs. Lincoln called attention to the necessity for it?

A. I don't know as it was done through her calling for it.

Q. Well, it was done after she called for it?

A. It was done.

Q. She called attention to it, didn't she? So far as you know she was the first that called attention to that necessity?

A. I don't think so.

Q. Who called attention to it before

A. No matter. I don't think she was the first.

Q. Well, even if she wasn't the first, evidently the previous call for attention to the subject was not successful in eliciting that article?

A. The drums were received and put in order.

Q. Received after she called attention to it?

A. Not before, no.

Q. Yes, that is it. Well, the need of an ambulance was also called to their attention, wasn't it, by Mrs. Lincoln?

A. It was called, by somebody.

Q. Yes, and that was afterwards procured, wasn't it?

A. It was, yes.

Q. And the advantage of having a watch clock, an electric clock by which it could be determined whether the night watch had been properly kept; that was also called to the attention?

A. That was called and it was supplied.

Q. Yes, there was another instance. These things were not called attention to by you?

A. No, sir; not by any means.

Q. Only by Mrs. Lincoln?

A. And I don't want the credit of it, either.

Q. But they were all improvements, weren't they?

A. I suppose so.

Q. So you admit that Mrs. Lincoln has contributed somewhat to the amelioration of the condition of the inmates of those institutions?

A. Oh, I won't say much on that subject.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Mr. Galvin, I want to ask you one or two questions. How long was Mr. McCaffrey with you as deputy on

Long Island? About six weeks, wasn't it — a month or six weeks?

A. About that; yes, sir.

Q. He came there about a month or six weeks before you left the island?

A. Yes, sir.

Q. Then your entire experience with him as deputy was only about that time?

A. That is all, sir.

Q. A month or six weeks?

A. That was all.

Q. And Dr. Parker was not the physician at Long Island while you were superintendent of both islands, was he?

A. No, sir, he was not.

Q. He came there after you went to Rainsford Island?

A. Yes, sir.

Q. And what acquaintance you have had with Dr. Parker has been since you have been superintendent of Rainsford Island alone?

A. That was it, sir.

Q. I suppose he frequently comes over to your island?

A. Frequently comes there to relieve the other doctor.

Q. Frequently comes there to relieve Dr. Dever when Dr. Dever goes away?

A. Yes, sir.

Q. And it is through that contact with him that you have become acquainted with him?

A. Yes, sir; nothing else.

Q. So you never served on Long Island with him?

A. No, sir; never did.

Q. And McCaffrey served with you about a month or six weeks?

A. Yes, sir.

Q. Now, of course, you don't claim for anybody else that the Rainsford Island Hospital was anything like the new hospital now in use on Long Island?

A. No, sir, I do not.

Q. But what you testified to here before was this, was it not, that for a summer hospital for children, when the doors could be opened, in the summer-time, that building was a good building?

A. It was good for that purpose; yes, sir.

Q. And was very satisfactory to the doctors in charge for the purpose?

A. And the sisters — perfectly satisfactory; yes, sir.

Q. You made no reference to the condition of the hospital previous to that time, and you didn't claim that it was an ideal hospital?

A. Not at all, sir; not by any means, — not at all.

Q. And you knew that the hospital wasn't satisfactory, and that the Commissioners had repeatedly asked for money to build a new hospital?

A. Yes, sir; I was well aware of that.

Q. You have spoken of a fire-escape on Rainsford Island?

A. Yes.

Q. Yes, or rather Mr. Brandeis has. I assume that you refer to the fire-escape which has recently been built at the end of the wooden building called the White House?

A. Yes, sir.

Q. Now, that is the only fire-escape that has been built there recently, is it not?

A. Yes, sir, that is the only one.

Q. And that consists of a plank stairway on the outside of the building, does it not?

A. That is it, sir.

Q. And it is only a few steps in height, is it not?

A. Probably about ten, I think.

Q. Not more than ten?

A. Not more than ten; no, sir.

Q. And it is on the end of the building — it sits on the hill?

A. Yes, sir.

Q. The old white house?

A. Yes, sir.

Q. What you called the Old White House?

A. Yes, sir.

Q. And one end of that white house touches the sloping ground in front of your residence?

A. Yes, sir.

Q. There a few wooden steps have been built so that the old ladies can get out from the second story?

A. That is it.

Q. And that is all the fire-escape?

A. All that has been built there.

Q. And that was all the Fire Commissioners recommended?

A. That is all, sir.

Q. And you have done exactly what the Fire Commissioners recommended?

A. Yes, sir.

Q. Mr. Brandeis has called your attention to a communication from Mr. Harkins, in 1891. Now, that is the same communication which Dr. Harkins submitted to you and which you transmitted to the Commissioners of Public Institutions with your disapproval, and which was referred to Dr. Newell, by the Board, is it not?

A. Yes, sir; that is correct.

Q. So that as far as you were concerned you performed your duty in regard to that communication?

A. Yes, sir; I consider so.

Q. And you transmitted it to the proper authorities?

A. Yes, sir.

Q. And what action they have taken upon that has guided you since. Now, Mr. Brandeis asked you about the farm. I want to ask you a question about the farm. In 1889 you give some results from the operation of that farm, and I want to ask you if this is a correct statement which appears in your report of the amount of crops raised on Long Island?

A. That is correct, — what you see there.

Q. I will read it to you — 12 tons oats for fodder, 20 tons ensilage for fodder, 25,000 cabbages, 750 bushels purple-top turnips, 500 bushels onions, 2 tons squash, 1,325 bushels carrots, 400 bushels parsnips, 87 bushels mangel-wurzels, 12,000 budding plants for decorating grounds, 23,947 pounds of pork, 1,364 pounds beef, 25 bushels peas, 17 bushels beans, 75 bushels tomatoes, 75 tons hay, 498 bushels ruta-baga turnips, 532 bushels potatoes, 230 bushels blood beets, 514 bushels white beets, 2,500 heads celery, 946 dozen eggs, 56,758 quarts milk?

A. That is correct, sir.

Q. All that you produced on your farm?

A. Yes, sir.

Q. In 1889?

A. Yes.

Q. You seem to have been somewhat of a horticulturalist, Mr. Galvin, if you didn't raise strawberries?

A. Yes, devote a good deal of my time to it.

Q. And succeeded in getting 12,000 nice plants that year?

A. I did, sir.

Q. I suppose as long as you was superintendent at Long Island you continued to get something off the farm?

A. I endeavored to; yes sir.

Mr. BRANDEIS. — Got twenty per cent. more the next year.

Q. (By Mr. REED.) Even if you didn't raise strawberries on the farm. Now, you knew, Mr. Galvin, that you couldn't build a coal-shed, a piggery, nor a barn, unless you had an appropriation to do it with, didn't you?

A. No, sir; nor the hen-house.

Q. Nor a hen-house. And you knew that the City Council must take the first action. You made the recommendations, and when you recommended this piggery you knew that the Commissioners adopted this recommendation, and inserted in their annual estimates an amount for that, also an amount for the barn, and you knew also that they were not given by the City Council?

A. Yes, sir.

Q. And that is the reason you didn't do those things?

A. That I understand, sir, thoroughly.

Q. And the same is true in regard to a coal-shed. Were there any instances during your administration when you have neglected or refused to expend an appropriation made by the City Government for new buildings or anything of that kind?

A. Not that I am aware of, sir.

Q. When you got the appropriation you did the business?

A. The work was carried out.

Q. Now, did they ever send you any manure down there on a scow?

A. Yes, I think we got some in a scow. I think so.

Q. Do you recollect the amounts?

A. I don't recollect the amounts, sir.

Q. But you know —

A. I know we got some.

Q. It was put on the place?

A. Yes, sir; I know that.

Q. And that it came there in scows?

A. Yes, sir.

Q. You must also have had a good deal yourself on the place?

A. We made a good deal there; yes, sir.

Q. Raising so much beef and pork?

A. And collecting seaweed around the beach there — giving us a chance to make manure there.

Q. Then you did collect all the seaweed?

A. Yes, sir; and made manure out of it.

Q. Well, did you have any phosphates, anything of that kind?

A. Yes, sir.

Q. That was supplied by the Commission?

A. Yes, sir.

Q. Now, do you remember how many tons, or how much of that?

A. We had several tons, I couldn't tell you how many, but several tons of it.

Q. Then you had several tons?

A. Yes, sir.

Q. And what you recommended was something especially for the culture of strawberries. Now, Mr. Galvin, during your farming operations there, did you depreciate the land? Was it any worse when you left it than when you took it?

A. No, I think it was some better.

Q. You think that on the whole you improved the farm?

A. I thought so, yes.

RECROSS-EXAMINATION.

MR. BRANDEIS. — Mr. Galvin, did you ask the Commissioners to be relieved from the burden of the care of Long Island? Did that change of your duties from both islands to Rainsford Island rest with you?

A. Is that required for me to answer?

MR. REED. — Not unless the committee say so.

THE CHAIRMAN. — The Chair does not see how that question enters into the case.

MR. BRANDEIS. — I don't want to compel Mr. Galvin to answer a question that would be embarrassing, but after I state to the committee why it bears on the case, Mr. Galvin can use his own judgment.

THE WITNESS. — Well, I decline to answer, sir, except it comes from a court of justice, sir.

MR. BRANDEIS. — We have seen from this witness, taken together with other testimony, that the relief of Mr. Galvin from those duties has not certainly improved the condition, and I presume it has resulted, as Mr. Galvin says, in a very considerable increase in expenditure. I wanted to see —

MR. REED. — That isn't so. Mr. Galvin simply says he does not know anything about the facts.

Mr. BRANDEIS. — Oh, yes, he does.

Mr. REED. — He has testified in regard to the facts in his time.

Mr. BRANDEIS. — Oh, yes. Mr. Galvin has stated that although they have twenty-seven officers there, or whatever the number may be, largely in excess of what was there when he was there, that he is convinced that the management is not better, certainly is not more satisfactory, than it was in his day.

Mr. REED. — Well, do you claim it is any better now?

Mr. BRANDEIS. — I claim it is very much worse, except in certain particulars, in which the visitors and Mrs. Lincoln have caused it to be improved.

Q. Now, Mr. Galvin, your salary is the same as it was when you were at the head of both institutions?

A. It is, sir; yes, sir.

Q. And the salary of your chief physician is the same as his salary was when he attended both institutions?

A. At Long Island.

Q. The amount is equal to the amount received when he attended both, isn't it?

A. The salary is about the same, yes.

Mr. CURTIS. — The physician gets \$200 more.

Mr. BRANDEIS. — You mean Dr. Dever?

Mr. CURTIS. — Yes, sir.

Mr. BRANDEIS. — Than the physician used to get when he had both islands?

The WITNESS. — He didn't have both islands. He wasn't resident physician.

Q. (By Mr. BRANDEIS.) Well, you were talking about the food. There was testimony here that during the last year it was found that the pudding had been mixed in the sink, something which has since been remedied. Was that the way in which the pudding was made in your day at Long Island?

A. I don't think so.

Q. Well, you know whether it was not?

A. I am satisfied.

Q. Satisfied that it was not?

A. That it was not.

Q. There was more or less testimony there with regard to the isolation of syphilitic patients. Were you of the opinion that they should be carefully isolated?

A. Yes, sir. I hope to live to see the day that there will be a provision for that purpose, or a city hospital for that purpose. I think there is nothing needed to-day in the city of Boston so bad as that very thing.

Q. Then you agree with the complaints that have been made here that there has been insufficient isolation?

A. I agree with that as much as any man in Boston. I have seen more than I ever expected to and I never want to see so much again. They are not fit to be with other inmates — not by any means.

Q. Therefore this testimony given here by Dr. Parker and others in regard to the necessity for that isolation which does not exist at Long Island you entirely agree with?

A. I entirely agree with that, sir.

Q. There was some criticism here also in regard to the bringing together upon Long Island of men and women, it being plain that it was impossible in that intermixture of men and women of that class to preserve decency. Were you of that opinion also?

A. The men and women on Long Island, do you mean?

Q. Yes; that was a criticism which I dare say you may have noticed was made in the earlier part of the case?

A. It is pretty hard to stop drinking, and I think it will have about the same effect with that. It will be just as hard to stop that as it is drinking. That is my impression.

Q. You believe it, therefore, to be a mistake to bring them together upon the same island?

A. I think there will be some difficulty there. There is no doubt of it.

Q. And in that you agree, then, with the criticisms which were made in the earlier testimony?

A. I forget about the criticism, but that is my opinion.

Q. Mr. Curtis asked you in regard to —

Mr. CURTIS. — I beg your pardon, Mr. Brandeis.

Mr. BRANDEIS. — I beg your pardon — Mr. Reed.

Q. Mr. Reed asked you in regard to the provisions for extinguishing fires. I believe no mention was made about the fire-extinguishers?

A. Not mentioned before now; no, sir.

Q. They have been recent.

Mr. REED. — I didn't ask him about that.

Q. (By Mr. BRANDEIS.) They have recently been put in, haven't they?

A. I think within a year; yes, sir.

Q. In pursuance of recommendations that have been made?

A. Within a year.

Q. And on this complaint — that there were no proper means of putting out fires. You said something about putting up the rules at the institution. Now, quite a number of those who signed here (referring to document already introduced) have signed their own names, haven't they?

A. Very few that you will see there.

Q. Well, they are not very few are they?

A. That have signed their own names?

Q. Yes — quite a number, aren't they?

A. I shouldn't consider so.

Q. Well, you say that a good many of the paupers are illiterate, a good many of them also are able to read and write, aren't they?

A. Some of them are, yes.

Q. Yes, and some of them are used to keeping the records, aren't they, for the institution — not only can read and write but have that degree of education?

A. No, sir; not on Rainsford Island.

Q. Well, it has been so in the past, hasn't it?

A. There might be one — it takes one to keep the accounts. That doesn't take a great many.

Q. But the hospital records are more difficult to keep, they were kept by an inmate, weren't they?

A. Where — at Rainsford Island?

Q. Yes, in Dr. Harkins' time.

A. I think Dr. Harkins kept his own record there of the hospital doings.

Q. Well, don't you know of inmates keeping the records, or was that only Long Island?

A. No, sir; not at the hospital on Rainsford Island.

Q. Well, on Long Island?

A. Yes, sir; some inmates employed there to keep the records of the hospital.

Q. Yes; those people could read, and the rules would have been good for them, anyhow. Well, you had those rules printed, did you, or were they printed by the Commission?

A. I had them printed through the order of the Commission.

Q. And you put them up as soon as they were printed?

A. Yes, sir.

Q. As soon as you were directed to do so?

A. I put them up as soon as they were printed. I didn't wait for any orders to put them up.

Q. And they were up during your time?

A. They were up from 1891.

Q. And then, if they were not up afterwards it was a lack of —

A. I can't account for that.

Q. But it was a change that came when Dr. Cogswell took charge of Long Island?

A. Yes, sir.

Q. (By Ald. LEE.) Mr. Galvin, have the inmates at Rainsford Island, since you took charge of that island, separate from Long Island, increased? Are there more inmates?

A. I think so.

Q. Well, about how many?

A. Seventy-five at least.

Q. About seventy-five more there now than when you had charge of both islands?

A. Yes, sir.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Mr. Galvin, did you ever give the inmates pudding when you ran Long Island?

A. I did.

Q. You had beans regularly, didn't you?

A. Beans every Sunday.

Q. And where did you soak those beans?

A. I had a particular vessel for them.

Q. Where was that?

A. I gave them to the cook, and there was a particular vessel there for that purpose.

Q. And was that the same place where you washed the meat?

A. No, sir.

Q. Where did you wash the meat, prepare the meat for cooking?

A. Well, it was washed always, outside in tubs.

Q. Out-doors?

A. Yes, sir — or down in the basement, rather.

Q. In the kitchen?

A. Down below the kitchen, where we keep the refrigerator.

Q. (By Ald. LEE.) In the storehouse?

A. Might call it a storehouse, such as it is.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Galvin, when did you first see that report of the Fire Commissioners?

A. I saw it immediately after it came out.

Q. Where did you get it?

A. It was sent down to Rainsford Island.

Q. By whom?

A. I can't tell you.

Q. The Board of Visitors sent it to you, didn't they?

A. I don't know — I could not tell who sent it.

Q. Well, how soon after it was sent down to you were the improvements made at Rainsford?

A. It was done immediately.

Q. Yes. Don't you remember that that was sent to you by Mrs. Evans?

A. It may be, but I don't recollect it. That may be the case, sir.

Q. Although that report had been sent to the Mayor and by the Mayor to the Commissioners two months before it hadn't reached you?

A. I don't know anything about that, sir.

Q. The first you heard of it was from Mrs. Evans?

A. I don't know who it came from.

Q. You don't have any recollection of that point?

A. I don't; not in the least.

Q. Not able to recall any conversation in regard to it?

A. I could not, sir, I could not —

Q. (By Ald. LEE.) Well, you wouldn't have taken any orders from any one of the Board of Visitors verbally, or by any written communication, would you?

A. No; it is not likely.

Mr. BRANDEIS. — It is a question of where he got the information — if the Commissioners didn't send it, if it came to him from the Board of Visitors.

The WITNESS. — I don't know where it came from sir; could not tell you.

Q. (By Mr. RILEY.) Mr. Galvin, I am not going to examine you.

A. You are very welcome, Mr. Riley.

Q. I don't desire to examine you, but I would like to have you answer one question, because I think it will aid the committee somewhat, in view of your great experience.

A. I thank you, sir, — I thank you.

Q. Your great experience in dealing with paupers and your success in handling them and in managing them. In view of your knowledge of the present superintendent of Long Island, what do you say? Is he a fit and proper person for the place?

The CHAIRMAN. — The question is ruled out.

The WITNESS. — I can't answer that question, sir.

Mr. RILEY. — I knew when I got up — anticipated what your action would be — and yet it goes to the very heart of the thing.

The CHAIRMAN. — Mr. Curtis asks the question.

Mr. RILEY. — No, I beg pardon. It is very easy to take a hammer and bring it down. I have seen that done before. Now, I would like to know what is ruled out?

The CHAIRMAN. — The Chair is not here to give reasons. The Chair has ruled out that question.

Mr. RILEY. — Sometimes there are none to give.

Mr. REED. — Now, Mr. Chairman, I am going to make this suggestion, that if Mr. Brandeis undertakes the cross-examination of a witness he should complete the cross-examination. We may as well settle that thing now.

Mr. RILEY. — Well, I think the best way for you to settle it is to read up on cross-examination.

Mr. PROCTOR. — We cannot in your large library.

The CHAIRMAN. — Does Mr. Reed ask for a ruling on the question?

Mr. REED. — That is what I asked, Mr. Chairman.

The CHAIRMAN. — It has been ruled out — what more do you ask?

Mr. REED. — I now say that if Mr. Brandeis cross-examined a witness I object to Mr. Riley cross-examining him over again.

Mr. RILEY. — Well, I don't wonder that you object to my question.

Mr. REED. — I didn't object to your question.

Mr. PROCTOR. — Nobody objected, it wasn't necessary.

Mr. RILEY. — The answer to that question would give the key to the whole situation.

The CHAIRMAN. — It seems to the Chair that greater progress can be made in this matter if one of the counsel should give all the cross-examination. Any of the questions which any of the other of the counsel desire to have asked, they can ask through the counsel during the cross-examination.

Mr. BRANDEIS. — I think before that is made a ruling of the Chair — I suppose this is a mere expression of opinion —

Mr. REED. — It is rather late now. The Chair has ruled.

Mr. BRANDEIS. — I understand it to be an expression of opinion. I wish to call the attention of the Chair to the fact that this case has in the main been conducted in distinct parts. I have not attended a hearing in regard to any of the institutions except Long Island, and I deem myself utterly incompetent to examine witnesses on other institutions.

Ald. LEE — Long and Rainsford.

M. BRANDEIS. — Rainsford very little.

Mr. REED. — This witness has testified in regard to Rainsford.

MR. BRANDEIS.— Now, I think if the Chair is going to make a ruling in the matter he should modify it to allow cross-examination of a particular witness who may know things about two institutions to be separate.

ALD. LEE.— As I understand the ruling of the Chair the two attorneys here — Mr Proctor and Mr. Reed — couldn't go to work and examine the same witness — that is, if Mr. Reed was conducting the cross-examination Mr. Reed would have to put the questions through him.

MR. BRANDEIS.— That is the ordinary conduct of the court, in the ordinary transaction of the business.

ALD. LEE.— We are coming down to court rules now, you know.

MR. BRANDEIS.— But I take it that we have, in order to properly conduct this examination, to recognize facts, and the fact is that I have had nothing whatever to do with the investigation so far as it relates to institutions other than the pauper institutions. Consequently, not knowing the testimony in the rest of the investigation, not knowing the witnesses, not having seen any except in that investigation, I could not properly conduct a cross-examination of witnesses who had testified in regard to institutions which I personally had conducted no examination in regard to. If a witness should know in regard to several institutions and I should undertake to cross-examine him in reference to Long Island, I should not feel like then going on and examining him in regard to matters I knew nothing about, prejudicing Mr. Riley's case.

ALD. LEE. — As I understand the Chair's ruling, if there is a witness with reference to the South Boston House of Correction, Deer Island, or the Charlestown Almshouse, I have no doubt that probably Mr. Riley, who has conducted the examination there, would be the proper one to examine the witness.

MR. BRANDEIS. — Yes, but one witness might know about two things. For instance, we could conceive the possibility of the Commissioners themselves going upon the stand.

MR. RILEY. — They are lost if they go.

MR. BRANDEIS. — I might feel inclined to put a few questions to them in regard to Long Island, and Mr. Riley would want to ask questions of them in regard to Deer Island.

ALD. LOMASNEY. — If I understand aright, Mr. Riley put on several witnesses entirely on Long Island, and when he got through presenting his witnesses on Long Island they opened up on Deer Island. Now, it seems to me a man having put on several witnesses in regard to an institution, should be allowed to cross-examine.

ALD. LEE. — Well, that doesn't debar him from examining those witnesses, but if Mr. Riley should cross-examine a witness, if Mr. Brandeis has any questions to put he should ask them through Mr. Riley.

THE CHAIRMAN. — The opinion of the Chair is, that counsel having once started in to examine a witness, he should continue the cross-examination of that witness until he is done. This does not deprive the other counsel from taking any other witness at any other time. But, if we are to permit every counsel who may

appear, or may be in this case, to examine a witness, it seems to the Chair that we shall make but very little headway. It seems, also, to the Chair, that there will be but few questions which the examining counsel cannot put to the witness, and those questions, it seems to the Chair, can be asked through the counsel examining the witness, or cross-examining the witness.

MR. BRANDEIS. — I should like to put a case. We are not passing now upon any particular precedent, because I understand the question Mr. Riley has put is ruled out. It is a question of procedure hereafter, and it seems to me we ought to go into that with some fulness. Now, conceive the case of one of the Commissioners going upon the stand, and I naturally should wait to examine that witness to a greater or less extent in regard to the pauper institutions. Now, there has been a great deal of testimony — far more than in regard to the pauper institutions — put in in this case in regard to the penal institutions. The last theory in regard to the pauper institutions which I attended, as I recollect, was the fourteenth or fifteenth hearing. There had been more than forty. The remaining twenty-five relate to hearings which had no bearing whatever except indirectly; at least very little bearing upon the question of Long Island. Now, I should consider it certainly a great wrong to those whom I represent if I were not permitted to cross-examine any of the Commissioners or any of the officials in regard to Long Island. On the other hand, I should consider myself utterly incapable of examining those Commissioners in regard to the rest of the case. I know nothing about it. I have not attended the hearings, have not seen the witnesses. I have not even up to the present time read the testimony; to familiarize myself with that case is an impossibility, something that I would not assume; and I think it would be a great wrong and would prevent a proper presentation of this case to compel either Mr. Riley or myself at our peril to determine whether one of us or the other should examine a witness throughout. It seems to me that the proper rule, if the rule of the Court is to be followed in any way — the proper rule that should be laid down is this: so far as relates to Long Island, so far as relates to matters which were put in by me, I should be permitted to examine the witness; if the witness has any testimony to give with regard to the other institutions, he should. Now, if the committee would remember, that undoubtedly have been the result if that method of dealing with this whole case had been adopted when it was first intimated at the opening. It was said at that time that we should hear all of Long Island first and dispose of Long Island. That is, not by decision, but to dispose of all the evidence and argument in regard to Long Island, and then that the other institutions should be taken up. If that method of proceeding had been followed there would have been no question but that some witnesses might have been examined at different times at different stages of the proceedings, assuming, each case, each institution, to be separate. That was not adopted, for certain reasons which seem wise to the committee, and we must as far as possible assimilate the conditions which would have

existed if that method had been adopted. I have considered, therefore, that the case of Long Island was entirely distinct from the other cases. That was the case in which we happened to have a special interest and happened to have special knowledge, and therefore it was presented by us, and I feel confident that the Chair will realize the impossibility of a proper cross-examination by one who is ignorant of facts. If he assumes that it is possible for anybody by taking simply the words from somebody else to conduct an examination properly, he is mistaken. It requires skill, it requires knowledge; it cannot be done in any such way as that, by acting merely as the mouth-piece of anybody else. There cannot be a cross-examination at all unless it is done by a man who knows about it, who has tried and familiarized himself with the case. I certainly, so far as Deer Island and other institutions are concerned, cannot and will not undertake to familiarize myself with them sufficiently to cross-examine witnesses. On the other hand, I should consider it the greatest hardship if I were not allowed to cross-examine a witness relative to Long Island.

MR. RILEY. — One other word before you proceed, and then you will proceed more understandingly. It seems to me that this is merely a tempest in a teapot. The objection of Mr. Reed is infantile, and if this committee undertakes to sustain it such a ruling would be even more infantile. We are here for the discovery of facts. Now, no man understands and appreciates the skill of Brother Brandeis more than I. And no man will more readily acknowledge that when he gets through the cross-examination there is very little left for anybody else to develop. But the best of us cannot keep all things in mind while examining anybody. Something may escape us and I desire to state this to the committee, that no matter what vote it passes, no matter what ruling it makes or attempts to make, while I am here, and you know I am here for a purpose — when I think that any act or question of mine will have a tendency to develop the truth and uncover abuses I shall do that act and put that question, or else I shall leave here. Now, Mr. Chairman, you have said — rapidly to be sure, rather than thoughtfully — that if the suggestion of Mr. Reed were not adopted we would make little headway. Let me tell you in a very few words that if the suggestion were adopted you wouldn't make any headway at all, but you would make foot-way.

MR. REED. — I want to say in the beginning, that whatever ruling the committee might make we shall submit to. If the committee rules against us we shall not leave the room. We shall stay here and submit to the ruling of the committee. We are very sorry that Mr. Brandeis has not favored us with his presence. We are always glad to see him here. But we are not responsible for his absence, and the fact that he has been absent should not be considered by this committee at all in deciding this question. If it is his duty to be here he should have done his duty. If he has not done his duty, that is a question for himself, not for the committee, not for us to consider. Now, Mr. Chairman, it would be just as reasonable for these gentlemen to get up here and say

that every time a witness is put on the witness-stand by their side or by our side they should first one conduct the direct-examination and then the other conduct the direct-examination, or when the witness is put on by our side first one shall conduct the direct-examination and then the other. Now, if any progress could be made in that way I am sure I don't see how it would be. It seems to me that the chairman has made a perfectly proper ruling and a ruling which exactly accords with the proceedings from the beginning of this investigation down to the present time. Every witness who has been put on that stand has been examined on the direct by one counsel; every witness who has been cross-examined has been cross-examined by one counsel, and it seems to me that rule should be carried on to the end.

Ald. LOMASNEY. — Will the gentleman allow me to ask him a question just now?

Mr. REED. — I don't know as I can answer it, because I am better at asking questions than answering them.

Ald. LOMASNEY. — Do you think Mr. Riley should be denied the privilege of cross-examining people on evidence he has put in on anything relating to the facts he has put in?

Mr. REED. — I don't think Mr. Riley should be denied anything he is entitled to, but I think when Mr. Riley, Mr. Brandeis, or anybody else gets up here and demands a thing that is manifestly unfair and improper, that the committee should deny it to him without hesitation. I think this is unfair, I think it is improper, and I think the committee should consider this thing but a very short time before deciding upon it.

Mr. BRANDEIS. — What is unfair about it?

Mr. REED. — I am not here to be interrogated by you, Mr. Brandeis.

Mr. PROCTOR. — I will answer the question.

Mr. RILEY. — Any more of you?

Mr. PROCTOR. — Well, there is only one of us talks at a time, which is more than you and Brother Brandeis have done.

The CHAIRMAN. — Mr. Reed; please go on.

Mr. REED. — I will finish, Mr. Chairman, and then sit down. I think the rule which has been adopted and followed out is the only proper rule. I think the gentlemen on the other side know that as well as we do. We have made good progress, and all I ask is that we follow the same rule out. This objection that they cannot cross-examine a witness, is certainly more infantile than anything that has been suggested here yet.

Mr. BRANDEIS. — One question to Mr. Reed will perhaps solve the whole difficulty. There has been no difficulty hitherto in regard to this matter of cross-examination, for what I concede is an obvious reason. The Chair has been very particular and has ruled, I think very correctly, that the investigations of the different institutions should be kept practically distinct. When Long Island was being investigated every question in regard to Deer Island was excluded. When Deer Island was investigated every question with regard to Long Island was excluded. And so they passed from one institution to another, which undoubtedly con-

tributed to the orderly conduct of the proceedings. Now, if in the defence that same course is to be pursued, that the testimony is to be taken up for each institution, first one and then another, and that the witnesses are not to cover more than one institution at a time, of course subject to being recalled whenever it is deemed necessary to recall them, then I concede that the rule that has been suggested by the Chair would not work an appreciable hardship.

Mr. REED. — That is the end of the question?

Mr. BRANDEIS. — That is the question. After the answer I will see if there is any other to ask.

Mr. REED. — Well, I will say that if the committee will give us hearings enough we will put on our evidence and offer our witnesses in the way suggested by Brother Brandeis, one witness at a time, and one witness on one institution at a time.

Ald. LEE. — I would like to know what Brother Brandeis has got to do with that?

Mr. REED. — I don't know that he has anything.

Mr. BRANDEIS. — I merely asked the question.

Ald. LEE. — I didn't know but what they were making an arrangement without consulting the committee whatever.

Mr. RILEY. — Mr. Chairman.

Ald. LEE. — I don't suppose Brother Riley will object to my saying the word.

Mr. RILEY. — Well, not if you are impartial.

Ald. LEE. — I shall be impartial, and I shall always sustain the chairman when I think he is right in making a ruling, not probably from the standpoint of a ruling that might be given in court, but from a parliamentary standpoint, which is recognized in hearing charges and witnesses before committees where counsel also appear. Now, I certainly think the chairman is right as far as he has gone. Mr. Brandeis is here examining witnesses who may be called for either Long or Rainsford Island. I believe, as Brother Riley has stated, that when he gets through there is very little left for anybody to ask. But if there was a question to be asked why wouldn't it be well for Mr. Riley to ask it through Brother Brandeis, as has been done here repeatedly in these other examinations — putting that one question? But I do say, that when it comes to the question of the Commissioners possibly being put upon the stand, and Mr. Brandeis wanting to examine them as to Long and Rainsford islands, and then the question arising as to something which may be asked in relation to the House of Correction or Deer Island, I don't think there is a man on the committee, or anybody else here, who would not, to expedite business, allow Brother Riley to cross-examine him at the same time. The only difficulty with that is that it is going to make a muddle for the members of this committee, whom, as I have said, with the exception of one or two have not the judicial mind to wade through the evidence, come to conclusions, and return an impartial verdict on the evidence as we get it. That is where we might probably be led astray a little.

Mr. RILEY. — No, the judicial mind is the common-sense mind, and that is what many judges haven't got.

Ald. LEE. — Well, I trust that in speaking here before my judge I am not to be held in contempt. I certainly shall vote to sustain the ruling of the Chair, but when the question arises I think it would be fair, if one of the Commissioners may be put upon the stand, that Mr. Brandeis might examine him, as I said a moment ago, in regard to Long and Rainsford islands, and in order to expedite business Brother Riley might then take him in hand — and God knows when we will get through if he does.

The CHAIRMAN. — The Chair in giving his opinion gave it in the present case before him, Mr. Galvin being on the stand, and Mr. Brandeis having cross-examined him. Mr. Riley set out to cross-examine him again. That was the ruling of the Chair, that was the ruling idea of the chairman in giving the opinion which he did. The Chair, without giving any opinion except his own unofficial, quite agrees with Alderman Lee in saying that he has no doubt that if the Commissioners should be put upon the stand the committee would be willing that Mr. Brandeis should examine them on all those points touching Long and Rainsford islands, and that Mr. Riley would be privileged to cross-examine them on such other institutions as he has put in evidence. The counsel, I understand, say that they have no objections to that arrangement.

Mr. BRANDEIS. — None at all.

The CHAIRMAN. — Has any other member of the committee any questions to ask of Mr. Galvin? (No response.) That is all, Mr. Galvin.

JOHN T. PRIEST. — *Sworn.*

Q. (By Mr. REED.) Your name is John T. Priest, and you are the Assistant City Clerk?

A. Yes, sir.

Q. You have the custody of the records of the City Council?

A. Of the records of the Board of Aldermen.

Q. Have you the record of the appointment of the special committee of visitors in 1892?

A. It is in the office, sir — I wasn't asked to bring it up.

Q. Haven't you got it here?

A. I think it is in these minutes here. I haven't looked it up. I wasn't called upon for that. I think you have reference to a committee appointed by the Mayor, haven't you?

Q. Yes, sir — that special committee.

A. I have a record of a message from the Mayor of February 23, 1892, in which he states that he has ordered an investigation.

Q. Well, have you reports made by that committee?

A. Yes, sir — the record here.

Q. Now, when was the first or preliminary report made?

A. The preliminary report as made was submitted by the Mayor to the Board of Aldermen, April 19, 1892.

Q. And what was done with that report by the City Council?

A. That was referred to the Committee on Public Institutions.

Q. Was any other action taken upon that?

A. No, sir.

Q. Have you any record of any other action?

A. No, sir.

Q. Was there a final report from that same committee?

A. There was.

Q. What was the date of that final report?

A. Dated June 29, 1892, signed by the Mayor, transmitting this final report to the Common Council — referred by them to the Committee on Public Institutions.

Q. Have you any record of any further action by the City Government on that report?

A. I have not.

Q. You have no record of any report by either of those committees on either of those reports?

A. Both reports were referred to the same committee.

Q. And you have no record of any report back?

A. No, sir.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Priest, you say that those reports, both the special and final reports, were not acted upon by the Council?

A. Simply referred to the Committee on Public Institutions Department.

Q. Both ordered printed?

A. Ordered to be printed.

Q. Ordered printed, and actually were printed, weren't they?

A. Yes, sir.

Q. And distributed as public documents?

A. Placed in the hands of the Messenger, as other documents were.

Q. Yes — were treated precisely as all other public documents are treated for distribution?

A. Yes, sir.

Q. And there was nothing to prevent the Commissioners or the officers of the institutions from getting these documents?

A. I don't know that there was.

Mr. REED. — I simply asked you, Mr. Priest — I want it distinctly understood — about the official distribution of these documents.

Mr. BRANDEIS. — Well, I think we heard something in "Pinafore" about things being official.

Mr. REED. — Well, he doesn't have anything to do with distributing documents; that is the duty of the City Messenger's Department.

Mr. BRANDEIS. — I understand, but we don't want to call the whole City Government up here.

Mr. PROCTOR. — How long since?

Mr. BRANDEIS. — Mr. Priest knows that these documents have been issued, and that any person connected with the City Government, or in fact any citizen, can procure a copy of the document if he is interested in it.

Q. Isn't that so?

A. I presume so, as long as they last, there is only a limited edition printed.

Q. Yes; a man who has sufficient eagerness to come early can get them, and the fact that these documents are submitted to the Council and that they are ordered to be printed, is noted in the public press, isn't it?

A. Not excepting, perhaps, in the "Transcript," which makes the official report.

Q. Now, makes the official report of proceedings; that is, the official report of the proceedings is published in the public press?

A. In one paper; yes, sir.

Q. (By Ald. LEE.) You understand, I suppose, that it was printed under Rule 8 of the joint rules, whereby either branch can commit to a committee, and either branch can order a document printed?

A. I don't recall the exact rule, but there is a rule to that effect, and under that rule that was done.

Q. And if that is reported on it must be accompanied by a resolution or order of some kind as to what action is taken — cannot be received unless it is?

A. Yes, sir.

Q. And they have never been returned from the committee with some resolution or order — still in the hands of the committee?

A. Still in the hands of the committee, as far as I know.

Q. That is, received in one branch, and in order to be acted upon requires concurrent action. It must be reported upon by the committee to the branch where it was originally received, unless the committee vote otherwise — to the report to the branch where it did not originate?

A. Yes, sir.

Q. And if concurrent action was taken to make it an official document, it being acted upon by both branches and signed by the presiding officers of both branches, it would go to your office and then be transmitted to the Mayor for signature?

A. If there was any order connected with it.

Q. And then from there sent to the Commissioners?

A. If there was anything that required action would be sent from our office.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Then if I understand you, if the committee to which this matter was referred had reported back to the City Government the City Government had taken action on that document, and that action had been approved by the Mayor, it would then have been the duty of your department to have transmitted a copy to the Commissioners of Public Institutions?

A. Yes, sir.

Q. And that action, as I understand, has never been taken?

A. No, sir.

Mr. BRANDEIS. — It hasn't been done officially, but unofficially they got a document.

Mr. REED. — Officially, I say once more.

This ended the testimony of the witness.

Mr. REED. — Now, Mr. Chairman, there are twenty minutes remaining under your expression of an intention to adjourn at 7 o'clock. We have summoned Dr. McCollum as our next witness, as we have intended to take this thing chronologically and logically. Dr. McCollum cannot be here until 7 o'clock. He is at present engaged in his official duties, which are upon him by reason of the prevalence of diphtheria in the city. I summoned him last night, and he came here at 7 o'clock thinking there was to be an evening session, and it is absolutely impossible for us to get him here before seven. We have telephoned him that he need not come this evening because he understood the committee were to adjourn at seven, with the privilege of putting him on the stand when he comes, no matter whether we had another witness there at the time or not, with the privilege of taking the witness off and putting the doctor on, I will be willing to call another witness now.

Mr. BRANDEIS. — I would be entirely agreeable to that. Dr. McCollum ought to have all the time allowed in preference to everybody else.

Mr. RILEY. — He ought to have it, but they refused it to a sick man, Dr. Chas. J. Prescott.

Mr. BRANDEIS. — But I should think it should be allowed to Dr. McCollum.

The CHAIRMAN. — The Chair thinks, in view of the short time we have, we had better adjourn now.

The hearing was declared adjourned at 6.44 P.M. to Friday, November 23, at 4 o'clock P.M.

"EXHIBIT S."

CITY OF BOSTON.

HOME FOR PAUPERS, LONG AND RAINSFORD ISLANDS.

Rules and Regulations. — All persons permitted to come to the Institution are required to have a bath and change their citizen's clothes for a full outfit of Institution clothes. All money or other valuables to be given to the Superintendent for safe-keeping.

Each person will receive from the officer in charge a ticket bearing the number of the Dormitory in which they are assigned a bed. The following day they must report to the Doctor for examination.

All employees of the Institution, and all inmates, shall rise at the ringing of the bell at 5.15 A.M., and all inmates will retire at the ringing of the bell, at 8 P.M.

Meal Hours. — Breakfast, 6 A.M.; dinner, 11.30 A.M.; supper, 4.30 P.M.

Doctor's Call. — 8.30 A.M.

Visiting Day. — First Wednesday of each month.

Leave of Absence. — Males, Monday and Thursday; Females, Wednesday.

Required. — Prompt and cheerful obedience to rules and orders; good order; manly deportment; to be cleanly; to be tidy in person; to be shaved and bathed weekly; to attend religious service on the Sabbath, and maintain perfect order while doing so; to be diligent and faithful at labor; to treat *all* with civility and politeness.

Forbidden. — Disorderly and insubordinate conduct; profane, obscene, and impertinent language; loud and boisterous noise; talking or disturbance of any kind in the dormitories after retiring; talking at meals; wilful or heedless destruction of property; quarrelling or fighting; cutting or tearing of clothing or bedding of any kind; annoying, troubling, or bothering "cranky" or feeble-minded inmates.

JOHN GALVIN, *Supt.*

September 1, 1892.

"EXHIBIT T."

CITY OF BOSTON.

HOME FOR PAUPERS, RAINSFORD ISLAND.

BOSTON HARBOR, NOV. 19, 1894.

The undersigned, inmates of the institution at Rainsford Island, consider it their duty to respond to the charges made by Mrs. Alice Lincoln, viz.: That the food was insufficient, that the soup was of inferior quality, and that the institution was in a filthy condition. We desire to state that we have always received a plenteous supply of food, and that the soup has always been excellent. Also, that under the care of the present superintendent, cleanliness in all the departments of the institution, and in the clothing and persons of the inmates has been the unvarying rule.

Mary X Reardon,
Ellen X Falvey,
Margaret X Kane,
Hannah X Sullivan,
Ellen X Sheehy,
Eliza X Reagan,
Mary X Murphy,
Elizabeth A. X Roach,

Mary A. X Reagan,
Bridget X Donnelly,
Bridget X Kennedy,
Mary X Hurley,
Catherine X Barry,
Winifred X Waters,
Margaret X Scollan,
Sarah X Oleson,

Margaret X McCarthy,
 Margaret X Coughlin,
 Bridget X Lafferty,
 Mary X Gilman,
 Catherine X Boland,
 Elizabeth X McLaughlin,
 Mary X Parks,
 Mary X Hayes,
 Elizabeth X Johnston,
 Bridget X Hawes,
 Catherine X Daly,
 Mary X Lane,
 Mary X McSweeney,
 Mary X McMahan,
 Elizabeth X Welch,
 Mary X Murphy,
 Margaret X Shaw,
 Agnes X Degan,
 Josie X Hayes,
 Mary X Holt,
 Bridget X Taylor,
 Mary X Smith,
 Mary X Gately,
 Margaret X Carey,
 Margaret X Cody,
 Catherine X Hayes,
 Ellen X McCauley,
 Anna X Blake,
 Lizzie X Conway,
 Mary X Clure,
 Kate X McElwaine,
 Margaret X Wallace,
 Elizabeth X Carpenter,
 Mary X Gordon,
 Annie X Joyce,
 Mary X Burns,
 Catherine X Hamilton,
 John T. Cluney,
 Richard Lyman,
 Daniel Lee,
 John G. Spear,
 Alonzo Wood,
 Andrew Durant,
 Thomas F. Glynn,
 W. A. Welch,
 J. H. Scanlan,
 E. A. Doud,
 William Desmond,
 James Murray,
 James McLaughlin,
 M. Savage,
 Margaret X Doyle,
 Ellen X Neville,
 Mary X McDermott,
 Winifred X Lee,
 Bridget X Forrest,

Catherine X Cleary,
 Mary X Forbes,
 Mary X Coleman,
 Rosanna X Lee,
 Mary X O'Brien,
 Sarah X Craig,
 Johanna X Murphy,
 Ann X Robbins,
 Ann X Peters,
 Minnie X Cleary,
 Josephine X Casey,
 Annie X Gilman,
 Mary X McCarthy,
 Hannah X Malloy,
 Eliza X Conners,
 Ellen X Cleary,
 Mary X Hoogan,
 Mary X Donovan,
 Margaret X Lynch,
 Margaret X McFarland,
 Ann X Fallon,
 Catherine X McGonagle,
 Jane X McKenna,
 Margaret X Collins,
 Bessie X Eldredge,
 Mary X Freeman,
 Ellen X Driscoll,
 Mary X Bateman,
 Bridget X Joyce,
 Mary X Moore,
 Kate X Halligan,
 Margaret X Preslay,
 Julia X Durant,
 Margaret X Fleming,
 Catherine X Welch,
 Ann X Pender,
 Mary X Silerca,
 Elizabeth X Johnson,
 Ellen X Holleran,
 Ellen X McCarthy,
 Kate Boland,
 Margaret McEntosh,
 Hannah X Duffy,
 Mary X Leary,
 Elizabeth X Ready,
 Nellie Anderson,
 Catherine X Leighton,
 Minnie X Logan,
 Mary X Coyle,
 Fanny X Gallagher,
 Jane X Powers,
 Sarah X Leary,
 Bridget Clancy,
 Annie Kelly,
 Annie L. Conley.

WITNESSES:

ANNIE ADAMS, *Matron.*
 CATHERINE A. DACEY, *Matron.*
 ANN J. WILSON, *Matron.*

Correct. CHAS. E. DEVER, *M.D.,*
Resident Physician.

FORTY-FIFTH HEARING.

FRIDAY, November 23, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALLSTRAM presiding.

A QUESTION OF PRIVILEGE.

MR. BRANDEIS. — Mr. Chairman, before we proceed to the testimony of the case I want to rise on Mrs. Lincoln's behalf, to what you gentlemen would call a question of privilege, and I think Mr. Reed will be glad to have me do so. Mr. Reed has made in his opening statement certain remarks which I think were made by him under a misapprehension, and as they do not bear upon the important questions in dispute, I think it is best to call your attention to them now. Mr. Reed stated in his opening:

"It was during his term" — speaking of John Galvin — "as superintendent at Long Island that, on a certain day in March, 1893, as Mrs. Lincoln says, 'two patients, both helplessly ill, are to be landed on Long Island. The weather is stormy, blowing a gale. No ambulance is ready to meet the boat. The unfortunate women have to remain on board while it goes to Rainsford Island and returns to Long Island, because of the delay in preparing the ambulance. A little foresight, a little consideration, would have apprised the authorities that two sick and helpless patients were expected.'" That is her statement, and that her criticism. Both are unfair and unjust. Mrs. Lincoln, and Mrs. Lincoln alone, was responsible for that occurrence. She took those women to Long Island on that stormy day."

The necessary impression made upon you gentlemen and the public, to whom that statement was circulated, was that Mrs. Lincoln had taken those two women to Long Island on this stormy day. As a matter of fact, Mrs. Lincoln merely by chance met them on the boat. They came over from the Boston City Hospital, and they were sent over by Dr. Rowe. And I have here a letter from Dr. Rowe in which he states the fact, and which I am sure Brother Reed will be glad to hear, so that a misapprehension in regard to these facts may not have emanated from him.

MR. REED. — I don't object to any proper evidence being offered at the proper time before this committee. I made certain statements in my opening here the other day which I shall support by evidence. It is not for me to pass upon that evidence — it is for the committee. It is not for Brother Brandeis to pass upon that evidence. I made the statement that Brother Brandeis has read. I have offered some evidence in support of that statement.

MR. BRANDEIS. — You have?

MR. REED. — I have.

MR. BRANDEIS. — Mr. Galvin makes no such statement at all.

MR. REED. — Mr. Galvin did make such a statement on the witness-stand, and I refer to the minutes of the stenographer. Now, that isn't all the evidence I have on that matter, and to rebut any part of our case now is certainly improper.

MR. BRANDEIS. — You desire to have it go forth as against Dr. Rowe's statement in writing, that Mrs. Lincoln brought those women to Long Island on that stormy day?

Mr. REED. — No, sir; but I desire to stand here and urge that this case be tried properly and in order, — that is all. If you wish to contradict that evidence in rebuttal that is the proper time.

Mr. BRANDEIS. — It is not a question of the evidence, it is a question of the propriety of making statements which are known or are pointed out to you to be without foundation. Here is a statement that Dr. Rowe states positively is not so.

Mr. PROCTOR. — There can be one word said in regard to Brother Brandeis' conduct — that it is grossly improper.

Mr. BRANDEIS. — I suppose I shall have to be put under examination now, as well as Mrs. Lincoln.

Mr. PROCTOR. — Possibly. If you put yourself in that position you will be.

Mr. BRANDEIS. — Well, sir, I put myself in any position here that I please.

Mr. PROCTOR. — Then either that which my Brother Brandeis is attempting to put in is evidence or it is not. If it is not, it is perfectly plain that it cannot be put into this case. If it is evidence, it is evidence to rebut evidence which the defence is about to offer. Brother Reed has already stated that he has other evidence to offer as applying to that portion of his opening, and nothing can be clearer than that the prosecution cannot interpolate evidence while the defence is going on. It seems not to be sufficient to restrict the defence to a month or six weeks where the prosecution has had since March, but we are not even to be allowed to put in our case without the prosecution putting in evidence meanwhile.

Mr. RILEY. — There is no prosecution, and you ought to know it.

Mr. REED. — No, it is persecution.

Mr. RILEY. — You probably will think so before we get through with you.

Mr. REED. — Yes, we think so now.

Mr. PROCTOR. — Your fangs are all drawn, Brother Riley. You are perfectly harmless now.

The CHAIRMAN. — Are you through, Mr. Proctor?

Mr. PROCTOR. — Through upon this point. I asked to have the Chair rule upon whether Brother Brandeis shall at this time read this letter.

Mr. BRANDEIS. — And I will ask the Chair to hear me a moment before he rules.

Mr. REED. — Mr. Chairman, we have been waiting here half an hour.

Mr. BRANDEIS. — For you and for your witnesses.

Mr. REED. — And now I am ready and claim the right to go on. I have a witness here to go on the stand, and I say it is the proper time for us to proceed. I have a gentleman here who has come at great inconvenience to himself.

Mr. BRANDEIS. — And I think inconvenience to the committee should also be considered.

The CHAIRMAN. — The Chair is ready and the committee is ready to hear any argument that either of the counsel may make at any time, and will endeavor, so far as lies in his power, not to prevent either of the counsel from making any request, whether of the Chair or of the committee. Mr. Brandeis, if you have anything to say to the committee on the question as to whether that letter should be read, you may say it.

Mr. BRANDEIS. — I realize perfectly, Mr. Chairman, that this is no time to put in evidence for us. On the other hand, I fully believe that Mr. Reed would not wish to have anything come from him which would clearly lead to a misrepresentation of facts; and I, therefore, on that account, as well as on a certain other to which I will call your attention

now, brought up this matter. The other is this, Mr. Chairman: the subject under investigation here and to which you and we have given so much time has been the proper management of the public institutions—whether the public institutions of the city of Boston, on which we are all interested as citizens, have been properly administered. We have endeavored to show by facts which have come to our knowledge that they have not been. The issue before you, and upon which you, gentlemen, ought to receive evidence, is, whether or not these public institutions have been managed in a way to do credit to the city of Boston, and to those who have control over them. That is the question. Mr. Reed has started out in his opening, has named as his first witness Mr. Galvin, and has started out in his remarks as if a very different subject were under investigation—as if you gentlemen and the citizens of Boston desired to investigate Mrs. Lincoln's philanthropic action, or her business relations in regard to the tenement-houses.

MR. REED. — I said nothing about that.

MR. BRANDEIS. — I say that Mr. Reed's action —

MR. REED. — I say —

MR. RILEY. — Don't let him interrupt you, Brother Brandeis.

MR. REED. — I rise to a question of personal privilege, Mr. Chairman.

The CHAIRMAN. — After Mr. Brandeis is through talking the Chair will allow Mr. Reed all the time he wants to reply.

MR. REED. — I don't want to have the time at another time. I want now to say —

MR. BRANDEIS. — You are taking my time now.

MR. REED. — I want to say that what Mr. Brandeis has said about me in this connection is untrue and unfounded. I said nothing about tenement-houses, made no reference to that question, and that is something that Brother Brandeis brought out himself from Mr. Galvin. I am not responsible for it, and I want that distinctly understood.

MR. BRANDEIS. — I thought you would like it distinctly understood that you made a misstatement in regard to Mrs. Lincoln in your opening.

MR. REED. — I have not.

MR. BRANDEIS. — You have, sir.

MR. REED. — That depends on the evidence.

MR. BRANDEIS. — And I offer Dr. Rowe's letter to show.

MR. REED. — That has got nothing to do with it. It has no place here.

MR. RILEY. — Read it, Mr. Brandeis, anyhow.

MR. BRANDEIS. — I say the attitude taken by the defence in this case has not been to defend themselves against accusation which we believe cannot be defended against.

MR. PROCTOR. — That is argument.

MR. BRANDEIS. — But it has been to attempt to criticise the actions of Mrs. Lincoln, and to make remarks which they were sure would go into the public press, which would lead people to believe that facts were true which had not the slightest basis for foundation. I think, therefore, that what I offer now has nothing to do with the evidence in the case, because the remarks which Mr. Reed makes had nothing whatever to do with the issues which you gentlemen have to investigate. You might just as well undertake to investigate the actions of each witness who has come from his business, from public duties and from social duties, as Mr. Reed to comment on these matters. I say, therefore, that when I offer to read Dr. Rowe's letter, to show that Mr. Reed's statement was without a particle of foundation, I do not now offer any evidence, because that statement bears upon something which is not within the scope of this investigation, and which counsel

should not have stated, to put it mildly. I ask, therefore, for leave to read Dr. Rowe's letter bearing upon the statement from Mr. Reed's opening, which I read to the committee at the outset.

The CHAIRMAN. — Has Mr. Reed any further remarks to make before the Chair rules on that question.

Mr. REED. — I have only this to say. It may be a repetition, but I simply desire to say that I made certain statements in my opening. I said, Mr. Chairman, that

It was during his term as superintendent at Long Island that on a certain day in March, 1893, as Mrs. Lincoln says, "two patients, both helplessly ill, are to be landed on Long Island. The weather is stormy, blowing a gale. No ambulance is ready to meet the boat. The unfortunate women have to remain on board while it goes to Rainsford Island and returns to Long Island because of the delay in preparing the ambulance. A little foresight, a little consideration, would have apprised the authorities that two sick and helpless patients were expected." That is her statement, and that her criticism. Both are unfair and unjust. Mrs. Lincoln, and Mrs. Lincoln alone, was responsible for that occurrence. She took those women on Long Island on that stormy day. She was met at the boat by the physician in charge of the hospital at Long Island. She was told by them that the hospital was full and these two women would be cared for at Rainsford Island, but she insisted that beds be provided in the hospital at Long Island, and Superintendent Galvin yielded to her demand and crowded two more beds into the wards where Mrs. Lincoln decided these patients must go. It was not the work of a moment to provide these beds and to crowd together still further the already crowded patients in the ward selected by Mrs. Lincoln for these two women. What was to be done? Should the boat be held at Long Island pending these preparations? Certainly not. The proper thing to be done under the circumstances was done. The boat made her trip to Rainsford Island and returned, and these unfortunate old women were properly and kindly taken on shore at Long Island. The original plan of the physician to send them to Rainsford Island, where they would have been just as kindly cared for as at Long Island, was the proper plan. Out of consideration for Mrs. Lincoln, Superintendent Galvin changed that plan to conform to her wishes, although against the judgment of the physician in charge, and now she shows her appreciation of that kind treatment by publicly charging the management of the institution with that for which she alone was responsible.

Now, Mr. Chairman, the point of that is just this: those women were taken down the harbor on that stormy day. Whether that was a proper day to take old ladies down the harbor or not —

The CHAIRMAN. — Excuse the Chair, but the question to be argued is whether the letter should be read or should not be read.

Mr. REED. — Well, I am leading up to that.

The CHAIRMAN. — We do not propose to cut either gentleman short, but it is not necessary, it seems to the Chair, to go over so much ground or to rehearse all the evidence.

Mr. REED. — And unnecessary, it seems to me, Mr. Chairman and gentlemen, to allow Mr. Brandeis to interpolate here, anyway. The defence is now putting in evidence. If he is to be allowed to interject arguments in evidence whenever he pleases we shall never have an opportunity to offer our evidence. Now, all I want to say is this, that I have not criticised there, anywhere, the fact that those women were taken down the harbor on that day. I do not say that Mrs. Lincoln was responsible for their going down the harbor. Very likely Dr. Rowe was — I don't say he was not.

Mr. LINCOLN. — You say that.

Mr. REED. — Now, if Mr. Lincoln is to take the floor it is going to take still longer.

Mr. RILEY. — You ought to be thankful.

Mr. REED. — And Mr. Riley, too — he will take more time. Now,

what I mean to say by that is this — and I think a careful reading of it will convince everybody that that is the proper purport of that language — that because those women were not received when they first got to Long Island, that is charged to the management of Long Island. They say they should have had an ambulance there to meet the boat. I say that that is not a proper criticism, for this reason, that provision had been made for those old ladies at Rainsford Island; that when they reached Long Island the physician met Mrs. Lincoln and informed her of those facts, but notwithstanding those facts she insisted that they be taken on shore on Long Island — that she was responsible for the delay on the boat; that she was responsible for keeping them there until the ambulance came, and having them taken over to Rainsford Island and back. All that is what I lay to her, and I propose to prove it. Now, I do not propose to comment on the weight of the evidence that I have offered or will offer at this time; neither do I propose to comment on the weight of the evidence in the shape of a letter which Mr. Brandeis offers here at an improper time. But I do say that I should be allowed to offer what evidence I have on that point, to support that statement, and every statement I have made before Mr. Brandeis is even allowed to criticise a statement I have made. After I get all through and put in my case I am willing to come here and listen to him in his rebuttal, and not until then. Now, Mr. Chairman, I have offered some evidence on this point, and I will read the evidence I have offered.

Mr. RILEY. — I object to his reading the evidence again. That takes time.

Mr. REED. — “Just before you left Long Island it has been said that two women, both helplessly ill, were landed there, and the management has been criticised for delay in providing an ambulance?” That is my question to Mr. John Galvin, who was formerly superintendent at Long Island. His reply is: “I couldn’t see any delay. The preparations were made before the parties left Boston, and they were to go to Rainsford Island. Consequently they were not expected at Long Island, and they occupied the same space in going from Long Island to Rainsford as they did from Boston to Long Island, which did not discommode them any in the least. Preparations had been made by the doctor to receive them at Rainsford Island, as the hospital was full on Long Island, and consequently they couldn’t take them there. But Mrs. Lincoln pleaded so hard to get them to Long Island that I couldn’t resist her, and I told the doctor possibly it would be better to take them to Long Island on that account, and they were taken there.”

Q. (By Ald. LEE.) How long afterwards?

A. Three-quarters of an hour. We went from Long Island to Rainsford; stopped about ten minutes.

Q. Was there where the plea was made to bring them back to Long Island?

A. Yes, sir.

Q. (By Mr. REED.) Were they moved from the boat, Mr. Galvin, at the first stop at Long Island?

A. No, sir.

Q. The room in the boat where they were placed was warm, I presume, and comfortable?

A. Not exposed to the weather at all; not a Parker House room, by any means, but a good, comfortable room, sheltered from the cold. They didn’t suffer any cold whatever.

Q. And when they came back to Long Island a second time I presume you took good care of them?

A. They were taken as good care of as I know how.

Now, I say there is some evidence in support of the proposition which I made. I have more evidence on that very point. I wish you gentlemen to take that evidence and weigh it. If Mrs. Lincoln desires to take the stand after that and contradict that evidence, if Mr. Brandeis has

any letter to offer to contradict that evidence, well and good, — there is a proper time to place that evidence, well and good, — there is a proper time to place that evidence before you. Then, gentlemen, you should weigh that evidence, and I am not saying that Mrs. Lincoln's statement is not better than anything I can bring here. That is for you gentlemen to decide.

Mr. BRANDEIS. — You admit that she had nothing to do with their going down their on that stormy day?

Mr. REED. — I say it makes no difference whether she did or not.

Mr. BRANDEIS. — Well, you admit that, don't you?

Mr. REED. — No, I do not. I say if she took them from Long to Rainsford Islands she is responsible for what she criticises the management for. That is what I say and all I say

Mr. BRANDEIS. — You don't say now that she took them all, do you?

Mr. REED. — Never did so.

Mr. BRANDEIS. — You did in your statement?

Mr. REED. — Well, I reiterate that she took them from Rainsford Island back to Long Island. I didn't say she took them from the city.

The CHAIRMAN. — It seems to the Chair that the opening argument of the counsel for the defence contains statements which the defence proposes to substantiate by evidence, and until those statements are substantiated by evidence, it seems to the Chair that they merely stand before the committee as an opening argument or a statement; that whatever statements are made in that opening argument, the defence having commenced its case, it is improper for the committee to receive any contradictions in regard to from the counsel on the other side. It is the ruling of the Chair that the introduction of the letter at this time is improper, and that the letter may be read at some future time in rebuttal.

REGINALD H. FITZ, M.D. — *Sworn.*

Q. (By Mr. REED.) What is you full, name, doctor?

A. Reginald H. Fitz.

Q. Are you a practising physician in Boston?

A. I am.

Q. How long have you been in practice, Dr. Fitz?

A. Since 1870.

Q. Can you tell us, doctor, where you were educated as a physician?

A. At the Harvard Medical School.

Q. And what year did you graduate from the Harvard Medical School?

A. 1868.

Q. Did you take any further course in medicine, or pursue your studies any further?

A. Two years afterwards, in Europe.

Q. And are you a member of any of the medical societies?

A. I am.

Q. Will you please name them?

A. The Massachusetts Medical Society is one, the Association of Physicians is another, Medical Improvement Society — there are several societies I belong to.

Q. And have you any connection with the Harvard Medical School at present?

A. I have

Q. Will you state what it is?

A. One of the professors there.

Q. One of the professors of the Harvard Medical School? Aren't you one of the visiting physicians at the Massachusetts General Hospital?

- A. I am.
- Q. And how long have you served in that capacity?
- A. I have been there for the last five or six years.
- Q. Are there any other institutions or hospitals with which you are connected professionally?
- A. There are none.
- Q. And you have an office in Boston?
- A. I have.
- Q. Have you ever been on Long Island in Boston Harbor to visit the hospitals?
- A. I have.
- Q. And how many times have you been there?
- A. Twice.
- Q. And will you tell us when you first went there — the date of the first visit?
- A. I went there early in the summer.
- Q. The past summer.
- A. The past summer.
- Q. And when was the last time?
- A. Within a few weeks.
- Q. Now, did you know the character of the diseases which were treated in the hospital at Long Island?
- A. I did.
- Q. And what would you say was the character of the diseases?
- A. Mostly chronic diseases.
- Q. Was your attention called to any acute diseases the first time that you visited the hospital?
- A. I don't recollect whether I noticed any acute diseases or not.
- Q. But you say that the diseases treated in that hospital are mostly chronic?
- A. So I found them at that time.
- Q. Do you remember how many patients were being treated in the hospital at the time you were there?
- A. I do not.
- Q. And you say that there were more than thirty patients confined to their beds?
- A. Might have been as many as that.
- Q. Well, should you say that there were more than that?
- Mr. RILEY. — He doesn't say there were as many as that.
- Mr. REED. — But there might have been as many.
- Mr. RILEY. — Yes, he takes the words out of your mouth.
- Mr. REED. — I thought I took the words out of his mouth that time.
- Q. And you say they were more than thirty patients confined to their beds, doctor, at that time?
- A. My knowledge isn't exact in that matter. I have merely a general impression. I made no note of it at the time.
- Q. You passed through the women's ward and the men's ward, did you not?
- A. I did.
- Q. Did you visit the place where the medicines are kept?
- A. I did.
- Q. And what would you say as to the supply of medicines kept there?
- A. I should say there was an abundant supply.
- Q. And from your examination of any of the medicines, what should you say as to the quality of the medicines? Were they poor medicines or were they good medicines?
- A. I formed no opinion on that subject. The bottles were labelled and looked like any medicine bottles that any one would see in an apothecary shop.

Q. Simply from the bottles and the labels?

A. Yes, sir.

Q. And you found them the same as you would see in an apothecary shop?

A. Yes, they presented the same appearance.

Q. Of course, I didn't suppose you tasted all the various medicines that were there, simply the general knowledge that you had gained from your observation.

Mr. RILEY. — If he had he probably wouldn't be here.

Mr. REED. — I don't think that is a fair remark to make to the doctor here.

Q. Did you notice the hospital equipment?

A. With reference to what?

Q. With reference to the instruments?

A. I saw the instruments.

Q. The surgical instruments. And how would you characterize that supply of instruments, as meagre or as abundant, for purpose for which they would be needed?

A. I should say there was a considerable supply of instruments.

Q. Well, where were the instruments kept?

A. In the operating-room.

Q. There is an operating-room, then, in the hospital?

A. There is.

Q. And is there an operating-table there?

A. There is.

Q. Did you see the ether there in the operating-room?

A. I didn't notice any ether.

Q. Didn't notice whether there was or not?

A. I did not.

Q. Now, as to the attendance of the nurses — did you see any nurses there?

A. I did.

Q. Were you informed as to the number of nurses?

A. I don't remember of being so informed.

Q. Well, taking the diseases as you found them, what should you say would be necessary in the way of nurses for the proper care of the patients?

A. As I recollect I should have said a nurse to each ward would have been sufficient.

Q. As to the food — did you see any of the food which was supplied to the patients in the hospital?

A. I did.

Q. Did you examine it, look at it?

A. I did.

Q. What is your opinion as to the food — whether it was proper food for the people treated there or improper food?

A. I saw steak, I saw fish, I saw bean soup, bread — all seemed to be of a good quality so far as I could judge. I tasted only the bean soup. That was not unpleasant to the taste.

Q. As to the cleanliness of the hospital?

A. I think it was very clean.

Q. The sanitary arrangements?

A. They seemed to be very good.

Q. Did they have bath-rooms?

A. They did.

Q. Water-closets?

A. Yes.

Q. Were they in good condition?

A. They seemed to be.

Q. Now, will you speak of the ventilation, do you remember the system of ventilation, the method?

A. Not in detail. I remember that there was fresh air coming into the ward, and I was impressed with the fact that the wards were exceedingly well ventilated.

Q. Was your attention called to the floors particularly?

A. Not that I remember.

Q. But there was nothing improper that you noticed about the floors?

A. There was not.

Q. Now, as to the bedding, the beds and the bedding, did you examine them?

A. I did.

Q. And what do you say as to their convenience for the purposes for which they were used?

A. I should say the beds seemed to be comfortable and the bedding seemed to be clean and enough of it.

Q. Take the building as a whole, the hospital building, I would like to know; doctor, your opinion of that building as a hospital.

A. My impression is that it was an excellent building. It was roomy, well lighted, and well ventilated, clean—possibly a little crowded as to the number of inmates, but that would have affected ventilation more particularly, and there were enough windows that could have been opened if necessary to provide certainly more air than there is in this room now.

Mr. RILEY. — That is a good criticism, surely.

Q. (By Mr. REED.) When you visited the hospital did you notice or were you informed that an additional wing was being built for the accommodation of patients who were crowded in the wards which you visited?

A. I saw a new building in process of construction to the west, if I remember right.

Q. Then when the new wing is completed the crowded condition which you noticed there can be remedied. Did you learn as to the medical staff, what the organization was, how many physicians, etc.?

A. I was informed on that point. I think there were either two or three physicians whom I understood were under Dr. Cogswell's supervision.

Q. The first time you visited the hospital there were two assistant physicians under Dr. Cogswell, were there not?

A. I say I do not remember, two or three—but it seemed to me a sufficient number of assistants to carry on such work, medical work, as I saw was needed there.

Q. Let us see if I understand you, doctor. Assuming that there were two doctors as assistants to Dr. Cogswell in that hospital, the first time you visited it, would that be a proper number of physicians for the work?

A. I should judge so.

Q. Your judgment would be that that would be a proper medical staff?

A. It is.

Q. Do you remember whether you saw a bristle probang there among the instruments?

A. That I don't remember, exactly. The question was raised, but I don't remember whether I actually saw the probang or not.

Q. Did you see any surgical sponges there?

A. I don't remember that that question was raised. That question of surgical sponges is rather indefinite, anyway. There are a variety of sponges that are used for surgical purposes. I don't know anything that would go by the name of a surgical sponge.

Q. You don't know anything that would go under that name?

A. A variety of sponges are used for that.

Q. In your judgment, are surgical sponges necessary?

A. Sponges are necessary for surgical purposes; yes, sir — sponges of some sort. Sparging material, I should say — not necessarily sea sponges.

Q. Well, I was about to ask you, doctor, if, in your judgment, for ordinary purposes absorbent cotton would not be proper to be used as sponges?

A. It would be very useful.

Q. Now, something has been said, doctor, as to the healing properties of aristol and iodoform. I would like to ask your opinion upon that question?

A. The one is the equivalent of the other. Iodoform was first introduced, and then aristol.

Q. Well, can you tell me, doctor, what are the properties of sulphonah, and its special use?

A. It is specially to promote sleep in wakeful persons.

Q. Is that ordinarily used for preventing pains — for quieting pains?

A. It is not.

Q. Now, I want to ask you, doctor, if this is something the use of which is well understood among physicians?

A. Sulphonah?

Q. Yes, sir.

A. Yes.

Q. (By Mr. RILEY.) That is something recent, isn't it, doctor?

A. Oh, yes, it is a recent discovery.

Q. (By Mr. REED.) How recent would you say, doctor?

A. I should say within the last three years, perhaps.

Q. But within that time the use of that drug has become well known, and its purposes?

A. Yes.

Q. The first time you went there, doctor, did you visit the institution building?

A. Yes, a large brick building.

Q. You did?

A. I did; yes, sir.

Q. And if you recollect, I would like to have you tell us in what condition you found that building as to cleanliness?

A. It seemed to me clean.

Q. Did you go into the dining-room?

A. I did. The men were dining at the time I went in there.

Q. They were dining at that time?

A. Yes, sir.

Q. Do you remember what they had for dinner?

A. I have a special recollection of this bean soup or porridge.

Q. Was that the time you tasted the bean soup?

A. It was.

Q. And what was the occasion of your tasting of the bean soup that day?

A. I went out with Dr. Cogswell and saw this porridge, which he told me was soup which was intended for the dinner of the people — for the men and all those who were supposed not to require special diet; and I understood him to ask, or at least the question was asked, whether there was any reason to complain of that. I tasted it, and I saw no reason to complain of it as being soup or porridge.

Q. Was there any complaint made in regard to it by the inmates that day, do you recollect?

A. I heard no complaint made. At least I have no recollection of hearing it.

Q. But you tasted the bean soup that day and pronounced it good?

A. I did.

Q. Well, then, the second time you visited the institution was later in the year. Do you remember how long ago that was?

A. Within a few weeks.

Q. A few weeks ago. Did you notice any changes in or about the hospital the second time?

A. I have no recollection of any special change.

Q. Was the general appearance of the hospital about the same as to cleanliness?

A. I do not remember at the time making any comparisons between it and the previous visit.

Q. Did you notice the character of the diseases on this second visit?

A. I did.

Q. And what, in your judgment, was the character of these diseases?

A. Chronic cases, mostly.

Q. Chronic cases. Do you remember any acute cases on the second visit?

A. There may have been possibly one or two, but no considerable number of acute cases.

Q. And as to the number of patients in bed? Have you any recollection, or did you make any count so that you could tell accurately the number?

A. I didn't. I answered that question earlier, I think.

Q. Oh, that was the first visit I was asking about then. I didn't know but at the later visit you might have made some.

A. My remark applied indifferently to either visit — at least, I intended it to.

Q. Well, as to the nursing? Had there been any change in that regard?

A. My answer to that question was the same. I didn't understand that I was to specialize or particularize between the visits. The answers I gave are general impressions, without respect to any one of the visits, or either of them.

Q. Then you don't recollect any specific thing that was different at the second visit from what it was at the first?

A. They had fish for dinner, instead of soup, I think.

Q. You remember they had a fish dinner the second day?

A. I remember that.

Q. Did you taste of any of the food the second day?

A. I didn't.

Q. Well, what was the appearance of the food they had to eat?

A. It looked like fish. I saw no comment to make upon it. If I had been hungry I should have taken some of it without any objections.

Q. On the whole, then, doctor, you say that this hospital is a clean hospital, that the building is proper, that the equipment is sufficient, and that the medical attendance and the nurses are sufficient for the character of the diseases which the patients who are treated there have?

A. I should say so.

Q. In addition to these things, there is another which I have not yet mentioned — the records — the clinical history of the cases. Was your attention called to the record?

A. It was.

Q. And how far back did those records go, if you recollect?

A. That I don't recollect.

Q. Well, what comment have you to make upon those records?

A. The comment that I should make is, perhaps, that they were brief records.

Q. Your comment on the records would be that the clinical histories were brief. Taking the character of the cases treated in the hospital.—

all the diseases, or practically all the diseases being chronic, — would not it follow that the histories would be brief, because there would be very little change from day to day?

A. Very few changes are likely to occur.

Mr. REED. — I think that is all, doctor.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Doctor, you have been somewhat interested in this investigation from the beginning?

A. Not particularly interested.

Q. Well, you have known that the investigation had gone on for some three or four months before you went down there?

A. It had gone on for quite a while; yes.

Q. And you had never seen it until some three or four months after this investigation started, and until after the report of the special visiting committee had been published, in which the defects of this hospital had been pointed out?

A. Not for some time. I don't remember, of course, with relation to the report of the special visiting committee. I have not followed the investigation very closely.

Q. But you did go down after that document appeared, and after the criticisms made at these hearings had been reported in the papers, and after these various defects had been called to the attention of the Commissioners and the superintendent?

A. Yes, sir.

Q. You went down there, you say, the first time in the beginning of the summer?

A. I did.

Q. Can you remember accurately the date?

A. Not exactly.

Q. You cannot remember it?

A. I cannot.

Q. How did you happen to go there?

A. At Dr. Cogswell's request.

Q. And was the time fixed when you were to go?

A. I was to state when I could come. I fixed upon a time.

Q. You fixed upon a time; and how long before you went down there did you fix upon the time of your going?

A. It may have been in the course of two or three days before I went — some little time.

Q. Then the second time, how did you happen to go?

A. Arranged the same way.

Q. Dr. Cogswell requested you to go?

A. He did.

Q. And he requested you to fix in advance the time when you were to go down there?

A. He did.

Q. And there was ample time between the time of your giving him notice and the time of your actually going for him to clean up the hospital and get it in condition if that had been desired?

A. There was.

Q. So that you, from your two visits, cannot form any opinion as to the general condition of the hospital as to cleanliness and the manner in which the hospital is kept?

A. I can only speak from what I saw.

Q. Only on these days, and the intention of your coming being regulated by Dr. Cogswell. Now, Dr. Fitz, when you went down there the first time, how long did you stay?

A. I think about a couple of hours.

- Q. About two hours?
- A. Yes, sir.
- Q. And did you make the examination of the hospital alone or were you accompanied by Dr. Cogswell?
- A. Accompanied by Dr. Cogswell.
- Q. The whole time?
- A. The whole time.
- Q. And the second time you went down did you make the examination alone or in company with him?
- A. In company with him.
- Q. Did you have any occasion when you were down there to converse alone with the assistant physician?
- A. The assistant physician was not present.
- Q. At all?
- A. At all.
- Q. Did you have any opportunity to talk alone to the nurses?
- A. I had opportunities to talk both to the assistant and the nurses; but I didn't avail myself of them.
- Q. And you were all the time in the presence of Dr. Cogswell?
- A. Not absolutely — the greater part of the time.
- Q. The greater part of the time. Well, now, when you went down there the second time, you were down there also about two hours, you think?
- A. Yes.
- Q. Each time about two hours?
- A. I think the second visit was a little shorter than the first. On the second visit I went simply to the hospital, and on the first I went to the institution as well.
- Q. You spoke of the kind of cases there were there. How many patients were there in there in the hospital altogether at the time?
- A. I could make merely a guess. Of the persons whom I saw there were a number of patients in bed and a number up and about. I should have to make a guess. I cannot say whether the guess I would make would be within twenty-five per cent. of the total number present.
- Q. Well, how many, according to your guess, was there in the hospital, taking it as a whole?
- A. Well, there may have been between seventy and one hundred.
- Q. Between seventy and one hundred in the hospital. When you said that you thought one nurse in each ward would be sufficient, how many wards did you count?
- A. I counted three wards.
- Q. And your idea was then that there should be one nurse to about twenty-five or thirty patients?
- A. Yes.
- Q. When you say that you counted three wards, what wards do you refer to?
- A. Well, there was a male and the female wards. I have two female wards and one male ward in my mind.
- Q. Now, if you should find it to be so, or if it were a fact, doctor, that the number of patients in the hospital, instead of being from seventy-five to one hundred was just twice that, was from 150 to 200, would your answer be the same in regard to the number of nurses and the number of physicians needed?
- A. It would not.
- Q. It would not?
- A. It would not.
- Q. Now, what would you say in regard to that if it should be shown to be a fact? As a matter of fact there were from 150 to 200 patients in the hospital.
- A. I should think a larger nursing service would be necessary, providing a considerable portion of the patients were bed-ridden patients.

Q. You saw the patients in the summer?

A. I did.

Q. And from your experience as a physician, would you say there would be more likely or less likely to be a larger number of patients out of bed in the summer or in the winter?

A. Well, it would depend on conditions that I would want to know and consider before basing an opinion in the matter.

Q. Now, you spoke of the class of patients there. Did you speak of the class of patients from investigation of the records of the hospital or from what you observed?

A. From what I observed.

Q. In passing through?

A. From what I observed in passing through.

Q. Have you ever examined the record?

A. I examined the record books showing the history of the cases.

Q. No, I mean the regular schedules made out in accordance with the practice of physicians in hospitals, showing the number of cases treated, and the nature of the cases which had been treated at the Long Island Hospital from time to time?

A. I have no recollection of seeing them.

Q. Now, doctor, in the report of the Commissioners of Public Institutions for 1891, Dr. Harkins, — by the way, do you know Dr. Harkins, who was formerly resident physician at Long Island?

A. I don't remember him by name.

Q. He then stated:

There is an erroneous impression with those outside the institution that the majority of cases treated here are chronic and incurable; but a glance at the accompany statistics will convince the most sceptical that such is not the case.

MR. REED. — Mr. Chairman, I would like to say that Dr. Harkins left Long Island before the present hospital was completed, and of course Dr. Fitz has only examined this hospital. He wasn't there before this hospital was completed.

MR. BRANDEIS. — No, but he is a witness, and a very competent one.

MR. REED. — Yes, that is right.

MR. BRANDEIS. — And I should like his opinion upon the general subject.

MR. REED. — Oh, I hope you will get it; but I only wanted to call the committee's attention to that fact.

Q. (By MR. BRANDEIS.) I should like to have you look over that schedule which Dr. Harkins refers to, and see whether in those two hours that you were down there you had occasion to ascertain the nature of the various cases that came up at Long Island?

A. (Examining schedule.) Among the general diseases, I saw none.

Q. You mean those that are classed as "general" in there?

A. Yes, sir; those under "Schedule A."

Q. Well, there are quite a number in that schedule?

A. There are.

Q. And, therefore, when you gave your answer, you gave it without knowledge of such diseases as were there set forth?

A. There were no such diseases at the time I was there. I know nothing, of course, in regard to this list you have here. As to the other diseases which are on it, I should say that I saw illustrations of them.

Q. Well, that list does contain, as Dr. Harkins said, a good many instances of acute diseases?

A. It does.

Q. And if the list as you see it there is correct, then Dr. Harkins' statement is also correct, isn't it?

A. What was his statement ?

Q. It was the one that I read to you a few minutes ago.

Mr. REED. — What is the date of that, Mr. Brandeis ?

Mr. BRANDEIS. — 1891.

Ald. LEE. — What year does it cover ?

Mr. BRANDEIS. — This is the report submitted February 1, 1892, covering the year 1891.

The WITNESS. — I should want a little further information upon that subject before being able to answer that question with any degree of accuracy.

Q. Now, doctor, you are acquainted with Dr. Charles P. Putnam, are you not ?

A. Yes, sir, I am.

Q. What is his standing as a physician ?

A. Very high.

Q. And what would you think of his judgment in regard to hospitals and the proper care of pauper institutions ?

A. I should think it might be very good.

Q. You would think it would be very good ?

A. I should.

Q. Are you acquainted with Dr. Morton Prince ?

A. I am.

Q. What is his standing in the profession ?

A. Also high.

Q. And what would you think of his judgment as to the hospital connected with this institution ?

A. I should think it might be very good.

Q. And I would like to ask you not only in regard to their judgment, but as to what you would think of the accuracy of their observations, and of their ability to state correctly the result of their observations ?

A. I should have confidence in their observations, and also their judgment.

Q. Now, taking the Long Island Hospital as it was at the time this investigation began, or previously —

Mr. REED. — What is the date of that ?

Mr. BRANDEIS. — Before the investigation began, or after. I am going to put a hypothetical question to him, as an expert.

Mr. REED. — Oh, I thought you had Mr. Morton Prince's report there in your hand, and I wanted to get the date of it.

Mr. BRANDEIS. — That was dated June 30, 1892.

Mr. REED. — Yes, sir ; before the hospital was built.

Mr. BRANDEIS. — This is dated 1894. This statement which I shall read is made in the report signed by Dr. Putnam as chairman. (Reading) :

In the hospital department the Board find many changes desirable, both as to details of management and as to general organization. The medical staff consists of the superintendent, who is physician-in-chief, a first and second assistant, and at times an interne. The superintendent for the most part leaves the actual practice to his assistants, and when, as at present, there is no interne, the medical force seems to the Board to be inadequate.

Now, assuming it to be a fact, as stated by Dr. Putnam, that the medical superintendent did leave it wholly to the assistant ; that there were in the hospital between 150 and 200 patients ; and that the diseases were of the general class appearing in the schedule made by Dr. Harkins, would you or would you not say that that was sufficient ?

A. I should say from what I saw of the cases there that one physician on duty all the time was all that is necessary, the class of cases being such as not to require a further physician.

Q. Now, doctor, the report goes on as follows :

Moreover, the organization of the medical force is awkward; the head physician should actively practice and direct his subordinates, or the first assistant should be recognized as physician-in-chief, visiting all the patients daily and being held responsible for their treatment and for the administration of the hospital.

Would you agree to that statement?

A. That would depend on how much the superintendent had to do outside. It is quite conceivable that he might be able to administer the affairs of the institution and to treat patients at the same time.

Q. Well, supposing it is a fact, as was testified here, that Dr. Cogswell did not, prior to the time this investigation brought certain changes, treat patients himself, but that he undertook to rule the hospital; would you say that was an awkward management of the hospital?

A. I think there should be one head to the institution, and that the subordinates should be under the control of that head. If Dr. Cogswell had nothing to do with the treatment of the cases, and he differed in his views from the views of the gentleman who did have the treatment of the cases, I should say that under the circumstances Dr. Cogswell should get somebody else in as an assistant physician.

MR. BRANDEIS. — Well, now, that is just what Dr. Putnam contended — that there should be another man.

MR. CURTIS. — He says you had better get another man under Dr. Cogswell.

MR. BRANDEIS. — Well, he says you had better get another man.

MR. CURTIS. — Well, I think you had better get another man, myself.

MR. RILEY. — We probably will when you are Mayor.

MR. CURTIS. — Well, that may happen. I am not so very uncertain in regard to that, too.

MR. PROCTOR. — That will be after you are Corporation Counsel, Mr. Riley.

Q. (By MR. BRANDEIS.) Now, you spoke of nurses at the hospital. Do you think it desirable in a hospital of this size, a hospital with 150 or 200 patients, to have a nurse as a head nurse?

A. I do.

Q. What should be the qualifications of that head nurse?

A. She should have training.

Q. What do you mean by "training"?

A. I mean in some training school, or in some hospital where a variety of cases are to be seen and taken care of — trained as a nurse.

Q. Now, if you should be shown that the nurse who had been senior nurse in this hospital was one who had not any training in any school and who could not write, would you think that she should be at the head of the institution?

A. Not at the present time. Ten years ago such a person would be found.

Q. But at the present time, in the city of Boston, you would say not?

A. At the present time I would say not.

Q. Supposing you should find that the person who acted as nurse for the 85 or 90 persons in the male ward, the person who acted for months as the sole night nurse, was a confirmed drunkard and could not be trusted with the liquor which he himself was obliged to administer from time to time to the patients, would you say that he was a proper person to be at the head of the male ward?

A. I should say not.

Q. Suppose, doctor, that the fact that this man was addicted to liquor was brought to the attention of the superintendent of the hospital, not once, but repeatedly, and that he nevertheless left that man in charge week after week, would you think that that person had properly administered the hospital?

A. Not unless there was some very strong reasons for keeping him in charge.

Q. Well, supposing that the assistant physician and the deputy superintendent, and the other nurses, from time to time called that to the attention of the superintendent; and suppose, further, that this man was not a trained nurse in any sense, would you think then that special reasons could exist for retaining that man at the head of a hospital as head nurse when there were 75 to 100 patients there?

A. The special reason that I had in mind was that the superintendent should be satisfied of the truth of the accusations. If he was satisfied that this man was not to be trusted in the administering of liquor, he ought to be taken out at once.

Q. I will ask you if you had the responsible charge of any hospital and your assistant physician, the deputy superintendent, and the nurses notified you of that fact, would you keep such a person as nurse to administer medicine, whether you actually believed it or not?

A. I would not like to condemn a person without knowing whether it was so or not.

Q. Well, but would you have a right to condemn the other ninety-five?

A. It depends on the other ninety-five.

Q. Well, do you think you would?

A. Well, I should want to know whether the ninety-five were telling the truth or not.

Q. Well, I ask you, would you consider it consistent with your duty as the head of a hospital, if you had no personal knowledge in regard to it, if they came to you and brought you reports that this man was drunk, that there was ordered to be administered by the physician two ounces of liquor and that there had been twenty ounces consumed, and that nobody had the key but this head nurse, and if the repeated statements of your deputy superintendent and nurses were made to you, would you persist in keeping him there?

A. If I believed their evidence, I should not keep him there; if I didn't believe it, I probably should.

Q. I ask you if your deputy superintendent and your assistant physician should tell you that this was a fact, would you not naturally believe them?

A. If I had reason to suppose they would not tell me what was so, I would discharge them.

Q. That is, you would not keep them if you did not believe them?

A. If it was a false statement, certainly. I should investigate it, and I should discharge whichever was the lying party.

Q. You would discharge the nurse or all the witnesses?

A. Discharge some one; yes, sir.

Q. And you would think a superintendent who did not do one or the other did not manage the hospital properly?

A. I should think he was negligent in that matter.

Q. You know Dr. Rowe, of the City Hospital?

A. Yes, sir.

Q. What is his position in the profession?

A. Very high.

Q. What is his reputation as a man?

A. Very good.

Q. For truth and veracity?

A. Very good.

Q. And for the correctness of his observation?

A. Excellent.

Q. And what is his capacity as the manager of a hospital?

A. Excellent.

Q. What would be his judgment on a nurse?

A. I should think very good. I think he is not called upon to give judgment in that matter, however.

Q. Suppose he had a man in his employ as a male nurse and that he discharged this nurse, because, as he stated, he was unfaithful, untruthful, inefficient, and insolent, and that he told the superintendent of the Long Island Hospital that such was the fact, and that, nevertheless, the superintendent of that hospital employed such a person as nurse at the hospital, would you say that that was a proper act of the superintendent?

A. I should think he had very good reason for not employing such a person.

Q. And do you think it would have been prudent for him to employ such a person to watch over the welfare of the patients in the hospital?

A. Not unless he had evidence to disbelieve the statement of Dr. Rowe.

Q. Would you believe the statement of Dr. Rowe?

A. It depends, somewhat.

Q. On what?

A. Whether he had some personal antagonism to this individual or not.

Q. You think, then, he is capable of making a statement because of his personal feeling?

A. I think all our statements may be more or less colored under circumstances.

Q. Well, in the selection of a nurse, would you not be careful not to take some one who was a subject of suspicion?

A. I should prefer to take some one that he approved of, and not disapproved; but I do not wish to be understood that I would employ any one he recommended. I don't mean that Dr. Rowe's opinion would necessarily be faultless.

Q. Well, isn't this a fact in regard to the selection of a person for a position of great trust — and you consider a nurse to be that?

A. I do.

Q. In the selection of a person for a position of great trust, would you take some one who was charged by a person in whom you had confidence with being unfaithful, untruthful, inefficient and insolent?

A. I should not take such a person unless I had investigated the charges and had formed an opinion in regard to the accuracy of them.

Q. But would you do it if you had investigated it?

A. Not if I found the charges correct.

Q. And you would be inclined to place great credit on what Dr. Rowe said?

A. Yes. I should, certainly.

Q. Well, now, doctor, passing to the question of nursing, you said that you thought there ought to be one nurse to, say, twenty-five or thirty patients?

A. Yes.

Q. And the class of cases which you had observed?

A. Yes.

Q. And what do you mean by one nurse — one day and one night nurse?

A. One night nurse on duty all the time.

Q. One night nurse and one day nurse?

A. Yes.

Q. And in the case of a hospital of some size where there are a good many wards, how would you provide for the necessary contingent arising from time to time of absences?

A. I should provide, or wish to see provided, a nurse for each ward; and from the character of the patients I saw I should make very general use of the patients for nursing, etc. Many of them ought to be set about to help; and I don't doubt that they were.

Q. Now, to whom would you intrust the preparation of the medicine in this place, this hospital, of from 150 to 200 patients?

A. I think a person of distinctly medical training should look after the medicines.

Q. Would you think it proper, then, that at this hospital medicines should be mixed or prepared for these patients and the out-patients, making in all an aggregate of about 7,000 patients a year — that they should have been mixed by one of the nurses who in addition, had very many other duties to perform, and has under him some 75 or 100 patients?

A. It would require special training on the part of this person.

Q. Well, supposing he had no training at all except what he has picked up?

A. I can hardly conceive that a person without any training should be called upon to mix the medicine — certain medicines which might be necessary.

Mr. BRANDEIS. — Well, let us read you the fact.

At this point, at 6.01 P.M., the committee took a recess until 7 o'clock.

EVENING SESSION.

The committee reassembled in the Aldermanic Chamber at 7 o'clock P.M., when the hearing was resumed, Chairman HALLSTRAM presiding.

CROSS-EXAMINATION OF DR. REGINALD H. FITZ. — *Continued.*

Q. (By Mr. BRANDEIS.) Doctor, returning a moment to the subject of nurses, I want to ask you whether, from your experience, assuming the statement of figures that Dr. Harkins makes here to be correct, he is also correct in his statement that more nurses were needed? He says: "Ward 7, Long Island, has sixty-one patients, in care of one nurse by day and one nurse by night."

A. Well, it would depend, of course, upon the nature of the sixty-one patients — as to what the diseases were.

Q. Well, that list that I furnished you shows the nature of the cases on which he was giving his opinion.

Mr. REED. — What ward was that?

Mr. BRANDEIS. — At that time Ward 7. I am asking him upon that list of diseases.

Mr. REED. — That was the old hospital.

The WITNESS. — I should have to know what the nature of the diseases were at the time that statement was made.

Q. Well, will you look at the list and assume that that represented the condition at that time?

A. I don't think this would give me the information I desire.

Q. Well, perhaps I may put the question in another way. If the physician in charge, Dr. Harkins, the resident physician, declared that there were sixty-one patients in Ward 7, and that the general character of the diseases was of the kind that list indicates there, would you be inclined to say as against Dr. Harkins that another attendant was not needed?

A. If Dr. Harkins, who was in charge of the ward at the time, said that he thought more attendants were needed than were actually present in charge of the ward, I should say that his opinion was very well worth considering.

Q. Well, now, Dr. Harkins says here that in the hospital building at Rainsford Island there are thirty-eight patients in the care of one nurse by day, assisted by Miss McDonald. "The latter does the dressing and gives the medicine to all the women in the hospital building, in the infirmary (so called), and to all the women 'out-patients' at Rainsford." Then he says, passing to the next: "Hospital ward — infirmary (so called), — at Rainsford, forty-two patients in care of one nurse, — Mrs. Dacey. The latter has the sole care also of all the 'laundry washing' for Rainsford Island, and three sleeping dormitories in addition to the infirmary. There is no paid night nurse in either the hospital building (thirty-eight patients) or in the infirmary (forty-two patients)."

Now, if Dr. Harkins, the resident physician in charge, in view of the facts there stated, which we will assume to be true, recommends that another nurse, or another attendant, should be had for those wards, would you say or not that his recommendations should be acted upon?

A. I should think it probable that it should be acted upon favorably.

Q. Then he says in regard to the male ward:

Long Island, Wards 6 and 8, 115 patients, under one nurse (Mr. Morphy), by day, and one nurse (Mr. Murphy) by night. The former (Mr. Morphy), in addition to his duties as nurse, acts as apothecary, and prepares the major part of the drugs which may be ordered for Wards 6, 7, and 8. The day nurses are on duty from 6 A.M. to 8 P.M., with one hour for dinner and a half-hour each for breakfast and supper. During meal hour there is no one to perform "relief" duty. The night nurses are on duty from 8 P.M. to 6 A.M.

Assuming those facts to be true, as stated by Mr. Harkins, and on the basis of which he recommends an additional male nurse, would you say that his recommendation should be acted upon?

A. I should say that an additional nurse was desirable under those circumstances.

Q. Assuming the facts stated as follows to be true:

Should Miss O'Brien desire to make a visit to Boston, she is substituted by Mrs. Dacey, who is thus obliged to allow her wards to remain without any paid official in charge. As I said, heretofore, the medicines at Long Island are dispensed by inmates.

Assuming those facts to be as stated by Dr. Harkins, would you or would you not say that there should be some proper person to act as nurse in substituting and the dispensing of medicines?

A. I should say that the dispensing of medicines by inmates might be very properly done. I should say in reference to alternating, that it might be possible now and then without any serious harm if the nurses did occasionally do double duty, as an exceptional circumstance.

Q. What do you mean by "occasionally"?

A. Once a week, for instance.

Q. What do you mean by "double duty"?

A. I mean to say that if the day nurse wished to go to Boston in the afternoon and the night nurse was to go on duty at three o'clock instead of six, that she might be able to do that without neglecting her charges.

Q. You mean a few hours additional duty?

A. Yes, sir.

Q. But not that the one nurse should work both the whole day and night?

A. I think the night nurse should not be called upon to do that to that extent.

Q. Now, assuming it to be true, as stated by Dr. Harkins here when he says that the keeping of the hospital records at Long Island for both islands is attended to by inmates — under the direction, of course, and

the supervision of a physician, what do you think of the keeping of the records by an inmate of an institution of this character?

A. I should say that the simple writing of the records might be carried on.

Q. You mean that one of the inmates might act as an amanuensis?

A. Yes, sir.

Q. But if he was something more than an amanuensis? If he actually kept the records?

A. I should not think he was competent to make any accurate medical examination of the cases which he might be making records of.

Q. Now, I was asking you just before the adjournment in regard to the person whose duty it was to prepare the medicines in such an institution, and you expressed the opinion that the person that I indicated, one without medical training and without training in pharmacy, should not be permitted to do so, and I think you added, also, that you could not conceive of his being permitted to do so. Now, I would like to ask you, assuming this statement which I am going to read to you to be correct —

Mr. CURTIS. — What is this that you are going to read, Mr. Brandeis?

Mr. BRANDEIS. — Mr. Morphy's testimony.

Mr. CURTIS. — You have been reading from a report of a man who did not testify here at all, and assuming the statements contained in it to be true, and I wanted to know what you were going to read — that is all.

Mr. BRANDEIS. — Well, I don't think you should question Mr. Morphy's statement.

Mr. CURTIS. — No; but you have been reading statements by some one who has not testified here, and I don't know why you should not place him on the stand.

Mr. BRANDEIS. — Well, we have wanted to get several people on the stand. We wanted to put Dr. Cogswell on the stand.

Mr. PROCTOR. — You will have Dr. Cogswell; don't fret.

Mr. BRANDEIS. — I guess he is pretty well prepared by this time, isn't he?

Mr. PROCTOR. — He always has been.

Mr. BRANDEIS. — This is the testimony, doctor, which I wish you to assume to be correct —

Ald. LEE. — What page is that?

Mr. BRANDEIS. — Page 569. (Reading):

Q. Well, now, before you went there as nurse, what had been your experience and training as a nurse?

A. Nothing, whatsoever.

Q. Hadn't had any?

A. None at all.

Q. What sort of work had you done before you went there?

A. Well, I was engaged as steam-fitter's helper.

Q. Steam-fitter's helper?

A. Yes, sir; heavy work.

Q. Had you had any work to do connected with nursing?

A. No, sir.

Q. Had you had anything to do with medicines?

A. Know nothing about them.

Q. Now, in September, 1891, you began to do the apothecary work?

A. Yes, sir.

Q. What training had you had in September, 1891, in medicine?

A. Just the little that I had acquired during the period that I was on nights. I became familiar with the names of the drugs and tried to pick up as much as I could.

He came there about three months before.

Q. Did you ever study pharmacy in any form?

A. Well, I read a little down there, but not before going there.

Q. And when you began to mix the medicines, in September, 1891, you hadn't had any experience except what you picked up the three months before that?

A. That is all.

Q. As night nurse?

A. Yes, sir.

Q. Well, how much of the time since then have you been compounding the medicines?

A. Since the apothecary left, in May, 1891, until, I should say, June of 1893.

Now, I ask you, doctor, assuming the facts to be as stated by that witness concerning himself, was he a proper person to administer medicines to a hospital of that nature and with the class of diseases there treated?

A. Not if the process of mixing was at all complicated.

Q. Well, assuming that the list of diseases as there given is correct, and assuming that the medicines were given which would naturally be given by a proper physician for those diseases, would or would not Mr. Morphy, on the facts as testified to by him, be a proper person to compound the medicines?

A. Many of these diseases would not require much of any medicine, and for many of them the medicine would be in a pill form, and all that he would have to do would be to give them.

Q. He didn't say "dispensing" them, but "compounding" them.

A. I don't know what he meant by "compounding" them.

Q. Well, I will ask you whether, if you had charge of the Long Island Hospital at that time, you would have chosen as a man to do the compounding of the medicine a man with the experience that Mr. Morphy says he has had?

A. No, sir, I should not.

Q. Would you think it proper for a superintendent of a hospital to choose such a man to compound medicine?

A. If he was a very intelligent person he might have been selected, if there was any particular reason for selecting him.

Q. Well, he stated that he did it as an additional duty.

Mr. CURTIS. — He didn't say that.

Mr. BRANDEIS. — Well, assuming that he did.

Mr. PROCTOR. — Oh, that is right. Assume all the facts that you want, and go ahead. We won't object.

Mr. BRANDEIS. — I will assume it on his testimony, and I believe it is absolutely correct.

Mr. CURTIS. — Well, I am looking at his testimony, too.

Q. I ask you whether you would deem the selection of such a man proper in a large hospital in the city of Boston?

A. I should not.

Q. To compound the medicines?

A. I should not.

Q. Now, doctor, you testified to what you had found to be the condition of the sanitary arrangements, etc., in regard to cleanliness down there; and now I will ask you also to make a — But, first, I would like to ask you if you know Mr. Brown, the Inspector of the Board of Health of the city of Boston?

A. I do not.

Q. I will ask you to assume the statement which he makes here, dated February 28, 1894, and which is found on page 326 of the record, to be correct; and I will ask you whether in your opinion, assuming the facts therein stated to be correct, it was a condition in which a first-class hospital ought to be in?

Mr. CURTIS. — Well, you are going to assume the fact that the water was shut off, also, I presume?

The WITNESS. — Am I to assume that this is a first-class hospital?

Q. I supposed that you said it was a first-class hospital?

A. I didn't say that.

Q. Well, what kind of a hospital do you consider that?

A. I think it an admirable hospital for the purpose; but when you compare it with the Massachusetts General Hospital and say that it is a first-class hospital, I venture to differ.

Q. Well, what do you mean by "for the purpose"?

A. For the purpose of the sick poor of Boston to be taken care of there.

Q. Well, do you mean that the building is an admirable one?

A. I don't make any exceptions to the building.

Q. In what respect do you consider the sick poor entitled to a different treatment from other poor—for instance, the people that go to the City Hospital of Boston?

A. There are many that go to the City Hospital of Boston that do not belong to the pauper class.

Q. But in what respect are the poor to be treated differently from other people?

A. Poor people who are supported by tax-payers are not to be supported as expensively as a class of tax-payers.

Q. Well, are all the people who go to the Massachusetts General Hospital treated for compensation or many of them without compensation?

A. Many without.

Q. Do you make a distinction at the Massachusetts General Hospital in regard to the treatment of them?

A. Those who pay more have better facilities in the way of special nurses, and better rooms and luxuries.

Q. But otherwise than that, they are treated the same? They have the same cleanliness?

A. Yes, sir.

Q. They are provided with a proper diet?

A. They are.

Q. They are given proper medicines?

A. Yes, sir.

Q. They are treated with proper instruments?

A. Certainly.

Q. They receive the attention of the same physicians—the physicians on the hospital staff?

A. They all do.

Q. Do they have towels provided?

A. Yes, sir.

Q. Do they have an opportunity to bathe?

A. They either bathe or are bathed.

Q. Are the women obliged to bathe in the open wards, without screens around them, because they are poor?

A. No, sir.

Q. You would not draw any of those distinctions between people who are poor and people who are not?

A. I would not.

Q. Well, returning to the question which I was about to put, assuming this report which Mr. Brown makes to be true, and which reads as follows:

BOSTON, February 28, 1894.

To the Board of Health:

GENTLEMEN: I have this day inspected premises at the hospital and institutions on Long Island, Ward 2, owned by city of Boston, and make the fol-

lowing report: The water-closets in the hospital, twelve in number, six for the females, and six for the males, are of the short hopper pattern with cistern and chain-pull attachment, and are located in five different parts of the building. These closets under favorable conditions, viz.: sufficient water-supply and care by those using them, would give fair satisfaction; but, owing to a break or stoppage in the water main, they have been without water since the 26th inst., except what has been carried in pails from the institution some distance away. Consequently, the surfaces of the hoppers have become dry and fecal matter adheres to them, so that it is much more difficult to keep them clean than when the surfaces are wet. To-day one of them is obstructed and nine are unclean and offensive. The urinals would be in better condition if there was a more generous supply of water. The sixteen water-closets in the institution are also of the hopper pattern with cistern and lever attachments operated by the doors. The closet rooms are without local ventilation except the windows, and considerable bad odor is noticeable on that account. These closets are also without water, and the three located in the basement are in about the same condition as those spoken of in the hospital, viz.: unclean and offensive.

Then follows his suggestions in regard to water. Now, doctor, assuming these facts to be correct, is that a condition in which you would have a pauper institution?

Mr. PROCTOR. — Read the rest of the report.

Mr. BRANDEIS. — You may read the whole of it if you have an opportunity.

Mr. PROCTOR. — So that your hypothetical question will be in accordance with the facts.

Mr. BRANDEIS. — I wish you would.

The WITNESS. — So far as you have read, it is not.

Q. You would not. Then, I will read the rest of it, and then see whether that will make a difference. (Reading):

These closets are also without water, and the three located in the basement are in about the same condition as those spoken of in the hospital, viz.: unclean and offensive; the remainder are fairly clean. I have been informed by Dr. Jenks that there is a large cistern on the island having a capacity of 80,000 gallons, and that the water-boat will be at work to-morrow (Thursday) carrying water from Deer Island to fill it; this water will be pumped into the cisterns in both buildings and supply the water-closets and urinals; if this is done most of the difficulty will be overcome until the water main is repaired. The remainder will be a matter of care.

Would you say now, even after you have heard the rest of that statement, that those closets, which he says are unclean and offensive, and which have no local ventilation, are such as you would desire in a hospital for the poor?

A. The lack of cleanliness of the closets I understand to be a lack of water in the reservoir.

Mr. BRANDEIS. — He doesn't say so.

Mr. CURTIS. — Yes, that is what he says.

Mr. BRANDEIS. — Why does he say, "The remainder will be a matter of care"? He says that they are "unclean and offensive," and that there is no local ventilation. Assuming this to be true, and the closets being situated as they are there alongside the hospital wards, would you think that closets without ventilation are such as even the poor of Boston should have?

The WITNESS. — I don't understand what is meant by ventilation of the closets. As I saw the closets, there were windows in that portion of the building in which these closets were. It seems to me it was quite possible to get ventilation by opening the window.

Q. Well, apparently he didn't think so. He is the city inspector.

A. Well, he may have a different view with reference to the ventila-

tion of a closet than I have. He may think that the water-closet itself should have a special ventilating system. That I do not consider necessary—but that it is a matter of luxury.

Q. And do you think that those water-closets should be kept there in such close proximity to the hospital, or that the patients there should have those odors around them?

A. There is an obvious cause for the odors there, as you have read the account; and that cause, I take it, was removed when the water-supply was introduced.

Q. Well, I think that perhaps if you had his report before you you would answer differently. He says: "The closet-rooms are without local ventilation except the windows, and considerable bad odor was noticeable on that account." Now, it wasn't on account of the dirt, but the want or lack of ventilation.

A. I should assume it was on account of the windows being closed.

Q. Don't you think that with the weather such as they might have there on that island on the 28th of February, there might have been some excuse for not having the windows open adjoining the closets? Cannot you see that there might be objections on account of the draft?

A. If the draft were worse than the smell, of course the draft would be kept out.

Q. Don't you think that the poor are entitled to protection from both drafts and odors?

A. Well, if they prefer warmth to the other inconvenience, they should not.

Q. Then you think it is proper not to have local ventilation for those closets?

A. I can imagine circumstances under which it might be preferable.

Q. Well, do you want to say here, Dr. Fitz, that at the Massachusetts General Hospital you would subject the patients either to drafts or to odors simply because they are poor?

A. Not because they are poor, but because they are patients in the hospital. It might be necessary.

Q. Well, why should it be necessary if you have local ventilation, and why cannot you have it?

A. You have the opportunity of local ventilation in the case which you presented to me, but it isn't utilized.

Q. And you do think it proper, do you, that they should be subjected to these odors?

A. Well, I can see circumstances under which it might be allowable.

Q. And you would say that in the Massachusetts General Hospital, in wards under your charge, they would subject patients because they are poor to drafts or odors in the same manner?

A. Not on the assumption "because they are poor."

Q. Well, would any one be subjected to it except a poor man?

A. Yes, sir.

Q. Who?

A. You, if you were a patient in the hospital. (Laughter.)

Q. Is that the case in the Massachusetts General Hospital, that the patients, be they poor or rich, are subjected to the alternative of having the odors of closets or the drafts?

A. It may be a question of a choice of evils.

Q. Is that an answer to my question?

A. If you will ask me the question again, I will try to answer it for you.

Q. I want you to answer that question.

A. What is the question?

Q. Is it a fact that in the Massachusetts General Hospital the patients, be they poor or rich, are subjected to the alternative of having the odors of the closets, or drafts?

A. Cases have occurred of that sort.

Q. When?

A. At one time or another.

Q. In what ward?

A. In any ward in the hospital which is in communication with the water-closets.

Q. Is there no other way of ventilating the water-closets but by the windows there?

A. There may be other ways. I don't know.

Q. Are you speaking of hypothetical cases or facts?

Mr. PROCTOR. — You are putting hypothetical questions to him.

Mr. BRANDEIS. — No, I am asking him now in regard to facts.

The WITNESS. — With reference to the ventilation of water-closets, I understand that you desire an opinion.

Q. I asked you whether it is a fact that at the Massachusetts General Hospital, the patients there, be they rich or poor, are subjected to the alternative of either having drafts in the cold weather or having the bad odor from the water-closets? If it is, I think we ought to start a subscription paper for the hospital immediately.

A. Very well, sir.

Mr. PROCTOR. — Start it now and put yourself at the head of it.

Mr. BRANDEIS. — I will, if that is the case.

Q. Do you mean to say, Dr. Fitz, that the patients at the Massachusetts General Hospital are subjected to one or the other of those alternatives?

A. I mean to say that the closets in the Massachusetts General Hospital will at times create a stench which will require the opening of a window in their immediate vicinity to eliminate.

Q. Well, but he says that this is a constant fact down there. Isn't that so?

A. That I don't know.

Q. He says it is, doesn't he?

A. No, I think not.

Q. Well, I will read it to you again and will ask for your interpretation of it.

Ald. LEE. — Why not let the doctor read it himself?

Mr. BRANDEIS. — I would be delighted to, if he wishes. (Reading): "The closet-rooms are without local ventilation except the windows, and considerable bad odor was noticeable on that account" — not on account of the dirt, because the people at Long Island are more or less familiar with dirt, but because there was no local ventilation. Now, I want to ask you whether, at your Massachusetts General Hospital, that condition of things exists?

A. I said that there was local ventilation in those closets, but it was not used.

Q. Then you deny the statement which Mr. Brown has made?

A. I deny that statement, that there was no local ventilation, if there was a window there. The opportunity existed, and if there was none, it was because the window was not open.

Q. Do you know what provisions are required by law in regard to local ventilation?

A. I do not.

Q. Of these rooms?

A. I do not.

Q. Well, now, as we are on this subject, I will ask you whether this condition which is reported by Dr. Harkins is one which you would approve of for the poor: "125 women in attics, and no closet or sink —"

Mr. PROCTOR. — What year is that?

Mr. BRANDEIS. — 1892.

Mr. PROCTOR. — What part of the year?

Mr. BRANDEIS. — In January, 1892.

Q. (By Mr. BRANDEIS.) Is that a condition which you would approve of for the poor?

A. It is not.

Q. It is not?

A. No, sir.

Q. Now, here is another statement which he makes: "To women in dormitories of 'white house,' and but *one* closet, and this latter also the only one available for women in sewing-room." Is that a condition which you would approve of for the poor?

A. It is not.

Q. It is not?

A. It is not.

Q. Either for the poor or rich?

A. No, sir.

Q. Well, now, doctor, I will ask you this, whether in a hospital intended for the poor of the city of Boston that hospital is properly equipped without any weights or apparatus for weighing small powders — for weighing powders which come in large quantity, and are to be divided up and administered in small quantities, such as antipyrine, antifibrine, and sulphonal? Supposing there was no way by which powders that are bought in large quantities can be weighed. Is that good enough for the poor?

A. It is a question. Those medicines which you speak of there very often come in tablet form.

Q. I asked you if it was properly equipped when they were brought in in large quantities?

A. They are not usually prescribed in that form.

Q. But supposing they come all together and that the nurses are to administer them?

A. They are not administered in that form.

Q. No; and that is the reason why I asked you whether a hospital that had no weights was well equipped, even for the poor?

A. If there were powders to be weighed and it made a difference in guessing as to whether one got a little more or a little less, undoubtedly scales should be provided, whether the patients were poor or rich.

Q. Do you think that this hospital was properly equipped if it is a fact that there were no small weights by which these powders could be weighed?

Mr. PROCTOR. — Are you reading that from the testimony?

Mr. BRANDEIS. — I am not reading that from the testimony, but I am reading it from facts which will be put in evidence.

The WITNESS. — If powders were to be weighed and there were no means of weighing them, means should be provided for that purpose.

Q. And a hospital that did not have them would not be properly equipped?

A. In that respect; certainly not.

Q. Now, assuming the diseases there treated to be such as you have observed and such as you have seen indicated in the list there, would you say that a hospital was well equipped if it has no clinical thermometers?

A. It is not well equipped for complete records of cases — for a scientific observation of the cases.

Q. And you think, do you not, that even a hospital for the poor should have such scientific observation of cases?

A. It depends altogether upon what the object of the hospital is. I can conceive that clinical thermometers might not be needed in a hospital for the rich.

Q. If you were superintendent of that hospital you would have them there, though, wouldn't you?

A. I should have them if I wanted them.

Q. And you would want them?

A. I might or might not. It depends on how close an observation I desired to make. There were no clinical thermometers thirty or forty years ago, and we got along very well then.

Q. But we know something more than we did thirty or forty years ago?

Mr. RILEY, — We think we do.

The WITNESS. — I was about to say that we thought we did.

Q. And a physician thirty or forty years ago would not be the physician that you would recommend if he hadn't had any advancement in knowledge since then?

A. There are some of them who lived at that time that I would rather have treat me than the doctors which exist at the present time.

Q. What do you say?

A. I say there were those who lived then that I should prefer to take care of me than those who live at present.

Q. Do you think that that suggestion that they didn't have them thirty or forty years ago is a fair answer to my question.

A. I think so, if I understood the purpose of your question.

Q. My question is, whether, if you were now put in charge of this hospital — and I wish that that good fortune might come to it — you would not have them there?

A. I should, certainly.

Q. What?

A. I should.

Q. Assuming the character of these cases to be such as they are, and bearing in mind the large number of venereal diseases that are treated there, do you think or not that the nurses who are taking care of the patients should have dressing forceps or use their fingers?

A. They should have forceps.

Q. And would you think the hospital well equipped if there were no forceps for the use of nurses?

A. I should think it not well equipped.

Q. Do you think that in a hospital of this kind, even though it be for the poor, there should be opportunity for sterilizing and keeping things in condition for operations?

A. I saw opportunities of that sort.

Q. You did?

A. I did.

Q. But if they were not there?

A. I saw them there.

Q. You are speaking of the present time?

A. I am speaking of my visit to the hospital.

Q. Did you see dressing towels there?

A. I didn't look into that matter. The sterilizing apparatus I couldn't help seeing.

Q. Did you make an examination of the surgeon's needles there?

A. I didn't.

Q. And assuming that there were none provided for use, would you think that a hospital was well equipped?

A. I should think not.

Q. Assuming that to be a fact, as stated in the report of the Board of Visitors, as it appears on page 715 of the record —

Mr. PROCTOR. — Page 715 of our record here?

Mr. BRANDEIS. — Yes, sir. Assuming it to be a fact, as there stated, that "the clothing of the women, both in hospital and infirmary, has been insufficient — flannel for petticoats was furnished only late in January," would you or would you not think that was taking proper care of the patients in the hospital?

A. I should think not. They should be properly clothed.

Q. And you should think that flannel was a very proper thing to be provided?

A. Very desirable for a winter garb.

Q. In a hospital exposed as this one?

A. Whether in the hospital or not.

Q. Anywhere?

A. Yes, sir.

A. Assuming it to be a fact, as it is stated in this report of the Board of Visitors, that although there was a proper method of ventilation, the ventilators themselves were kept closed and had become clogged so that they did not work properly, would you think the hospital properly managed?

A. I should think it was excessive economy.

Q. Would you think it was a proper condition for a pauper hospital?

A. I think not.

Mr. CURTIS. — Do you think, Mr. Brandeis, that anybody would say it was?

Mr. BRANDEIS. — I didn't know what you might say.

Mr. CURTIS. — You don't think that if the ventilators were in the condition that you claim they were, they were working properly, and nobody else does; and it seems to me that it is an absolute waste of time to ask such foolish questions.

Mr. BRANDEIS. — Well, it isn't as extraordinary as some things that you and Mr. Reed have contended.

Mr. CURTIS. — Well, I never contended that.

Mr. PROCTOR. — Oh, let him go on and ask all the foolish questions he wants to.

Mr. BRANDEIS. — Well, as long as I am conducting this case, I shall ask such questions as I consider proper.

Q. (By Mr. BRANDEIS.) — Doctor, if Dr. Putnam, being the chairman of the Board of Visitors appointed by the Mayor and City Council, should report that at the time of his visit to the hospital he found it unclean — that both the hospital building itself and the patients were in an unclean condition — would you or would you not believe that Dr. Putnam's observation of those facts would not be trustworthy?

A. I should believe it to be trusted.

Q. You should think it should be trusted?

A. Certainly.

Q. And if you found any difference in the condition of things indicated in the report which he made, and the condition of the hospital when you examined it early in the summer, and from that indicated in the report you made when Dr. Cogswell invited you there, and when the day was fixed in advance, would you consider that there was a difference in the actual condition of the hospital between the time you visited it and Dr. Putnam visited it, unsolicited?

A. I would.

Q. You would?

A. Yes; certainly.

Q. Well, now, referring to the report of the Board of Visitors — and I refer now to the first special committee appointed by the Mayor in 1892 — if you remember, Dr. Putnam and Dr. Prince were members of that committee — and if, after their examination into the condition of the hospital they advised that there should be a more liberal diet, both regular and special, do you think that that advice and recommendation of Dr. Prince and Dr. Putnam should be acted upon?

A. If the city is willing to pay the bills.

Q. You think it should be acted upon?

A. I should have that opinion, personally.

Q. I am asking for your personal opinion, of course.

A. Recommendations of that sort I should advocate carrying out.

Q. And if Dr. Putman and Dr. Prince recommended that there should be paid nurses in every ward in the hospital, would you or would you not think that that recommendation should be acted upon?

A. It depends to what extent the recommendation was made.

Q. He says: "Paid nurses in each ward."

A. Does he mean more than one in each ward?

Q. I think not. As I read it, I should understand that he meant one paid nurse in each ward.

A. If he means that there should be one paid nurse, I should agree with him.

Q. If they recommend that there should be a covered wagon, with springs, for transporting the sick from the wharf to the building — by which, I presume, they mean an ambulance — would you or would you not think that recommendation one which should be acted upon?

A. I think it should be.

Q. If they recommended that there should be for the hospital a board of consulting physicians, and if such was desired by the physician in charge, would you think that that was a recommendation to be acted upon?

A. The attempt might be made.

Q. Why do you say "the attempt might be made"?

A. I can see that it would not be a very enviable position for an active physician or surgeon to assume.

Q. To become one of the board of consulting physicians?

A. Yes, sir.

Q. There is no difficulty in getting an excellent board of consulting board of physicians for Tewksbury?

A. I am under the impression that they have very little to do.

Q. Well, they go there when they are actually called upon to do something, don't they?

A. Well, I have no personal knowledge of that matter.

Q. Do you know the men who are on that board of consulting physicians for Tewksbury?

A. I heard one of them state that he had been there once in the last seven years.

Q. Well, who was he?

A. Dr. Richardson.

Q. Which Richardson?

A. Dr. Morris H. Richardson.

Q. Well, how about the others? Have they been there more regularly?

A. I think he has been there whenever he has been called upon.

Q. You mean, that the position as a member of the board of consulting physicians for Long Island is a position which men of prominence would not be apt to accept?

A. That I cannot say. I can only speak for my own self.

Q. That is, that you personally would not wish to assume that position?

A. I should think I was making a great sacrifice.

Q. Well, is Dr. John Homans a physician of prominence?

A. He is.

Q. And he is on the board of the Tewksbury hospital. Is Dr. B. Joy Jeffries a physician of prominence?

A. He is.

Q. And is Dr. J. J. Putnam a physician of prominence?

A. Yes.

Q. You know Dr. Irish, of Lowell?

A. Yes, sir.

- Q. Is he a man of prominence?
 A. He is.
 Q. And Dr. Chamberlain — is he a man of prominence?
 A. Yes, sir, he is also a man of prominence.
 Q. Then the institution of Tewksbury having those gentlemen as a consulting board you think they are well equipped with consulting physicians?
 A. They are.
 Q. And is there any reason why the institution at Long Island should not succeed in getting men equally desirable?
 A. It depends upon what demands are made upon them.
 Q. That is, it would depend upon how much work is put upon them?
 A. The office of consulting physician is usually an honorary office. Some of them are not paid anything at all.
 Q. Why do you think they are appointed?
 A. Rather as an honor, I think.
 Q. To whom — to the hospital or to the men?
 A. Rather as a reward of merit for faithful service.
 Q. Do you think that any of those men have done service at Tewksbury?
 A. I don't know as they have. Dr. Irish lives near Tewksbury, and he may be called in more often than the others.
 Q. Aren't they appointed rather in order that the physician in charge may feel that he has certain persons on whom he has a right to call in case of need, and with whom he has a right to consult?
 A. I have the impression that they are not called upon very often to go to Tewksbury.
 Q. Isn't that the reason why they are selected?
 A. I don't know the reason why they are selected.
 Q. And wasn't that the reason why the Board was established?
 A. I didn't know the reason why the Board was established.
 Q. Well, I will ask you this: Tewksbury is a very well managed institution at present, is it not?
 A. So far as I know. I don't know anything particularly about it.
 Q. Hasn't it a good reputation?
 A. So far as I am aware of.
 Q. Well, I will ask you whether this statement made in a report of the Tewksbury Almshouse, which may have come to your notice, does not state what is the general understanding in regard to the uses of a consulting Board:

Believing it to be unwise to allow the responsibility of so large a hospital to rest wholly upon its resident officers, we, early last year, conferred with some of the most prominent physicians and surgeons in the State, inviting them to constitute a "consulting Board," to be called upon, collectively or individually, whenever, in the opinion of the trustees or superintendent, their counsel or service would be advantageous.

Doesn't that express fairly the uses of a consulting board?

MR. REED. — What is the date of that report?

MR. BRANDEIS. — That is 1889. They came to that knowledge as early as that, and Long Island hasn't found it out yet.

Q. (By Mr. BRANDIES.) Isn't there any reason why similar considerations should not apply to Long Island?

A. None that I am aware of.

Q. I would like to ask you, doctor, whether a hospital which is designed for the poor of the city of Boston should properly have an isolated room for the dying?

A. I don't think an isolated room for the dying is at all necessary.

Q. You don't think it necessary?

A. No, sir.

Q. Then you think, therefore, that the Commissioners desired something that is unnecessary?

A. The Massachusetts General Hospital has no such room.

Q. There is no room at all?

A. No, sir.

Q. Where are the dying left?

A. They die in the ward.

Q. And are there any screens put up?

A. The screens are put about the bed.

Q. And that is all, is it?

A. That is all; yes, sir.

Q. And no matter what the nature of the case is, the patient is left there?

A. If the patient is very noisy, the patient would probably be removed to one of the private rooms in the lower ward.

Q. Then there are rooms?

A. They would have to be put in a room which is ordinarily reserved for paid patients.

Q. Then you have a room in which the dying can be carried?

A. Yes, sir; if there is any occasion for it.

Q. And a hospital in which there was no such room, you would not think properly equipped?

A. These are not rooms for that purpose.

Q. It is a room to which they are carried?

A. Well, any room to which they are removed is one to which they are carried. They may be carried there.

Q. So that a patient, even though he be a poor person, can be carried into that room.

A. It is not a question of poor or rich.

Q. That is, the poverty of a particular patient does not affect the question?

A. Not the slightest.

Q. There is no difference in this respect between a hospital for paupers and a hospital for citizens of Boston and the Massachusetts General Hospital?

A. Not the slightest; not the slightest.

Mr. BRANDEIS. — Have you the hospital records of Long Island here? They were included in the call.

Mr. CURTIS. — Yes; and we got the call when we came into this room. I don't know whether we have them or not. The books are kept down at the island, as you may be aware.

Mr. BRANDEIS. — This notice was sent before noon, yesterday.

Mr. CURTIS. — I got it here in the hall. It is generally customary in practising at the bar to give notice a proper length of time before anything is desired.

Mr. BRANDEIS. — We are not practising at the bar; we are asking for the production of those records.

Mr. PROCTOR. — When did you cease to practice at the bar, Mr. Brandeis?

Mr. BRANDEIS. — Well, this practice here is very unlike it in many respects.

Mr. PROCTOR. — You would not use less courtesy here than elsewhere, would you?

Mr. BRANDEIS. — This is not a question of courtesy.

Mr. PROCTOR. — Then if it is a question of right, we demand the time. If it is only a question of courtesy, we request it.

Mr. BRANDEIS. — I would like to ask Dr. Fitz some questions on that book.

Mr. CURTIS. — Well, we cannot help that. I think, moreover, that

the ordinances say that we shall not produce that book unless by order of the Mayor. I may be mistaken in regard to it, but I think there is some such provision.

Mr. RILEY. — Well, an order would be only two or three weeks previous.

Mr. CURTIS. — Well, there is something about hospital records in the ordinances, I am sure.

Mr. BRANDEIS. — Well, let us see what it is.

Mr. CURTIS. — Well, you are as young as I am — look it up.

Mr. PROCTOR. — There ought to be a copy here in this room, where they pass them.

Mr. CURTIS. — I think the provision which I refer to occurs on page 15. We had this matter up three or four months ago, and if I remember correctly it is to be found on page 15. (Examining ordinances.) Yes; it says: "All records and files, except medical records and files, shall, under the supervision of the officer in charge of the department, be open to public inspection, and any person may take notes therefrom; but this shall not apply to matters which the Mayor is of opinion should not be made public."

Q. (By Mr. BRANDEIS.) How far have you looked into those hospital records, doctor.

A. I looked over a volume which was there on the table at the time I made my visit.

Q. What period did that volume cover?

A. I don't remember the date of the earliest record. The last record was entered within a day or two previous.

Q. Which did you examine?

A. Both.

Q. The earliest and the last?

A. Yes, sir.

Q. How many cases did you examine?

A. Two or three.

Q. When were those cases? Can you recall the cases?

A. I don't; no, sir.

Q. When did you look at those records — the first time you were at Long Island or the second?

A. The second.

Q. The second time?

A. Yes.

Q. And he pointed out the cases?

A. The book was placed in my hands, and I ran it over.

Q. You ran it over?

A. Yes, sir.

Q. Do you remember any class of cases which were reported?

A. I don't remember any special class. I read —

Q. I don't mean by name.

A. I simply read over the record as it appeared there.

Q. Whose records were they — what physician's records?

A. I don't know who wrote them.

Q. Who was the physician under whose charge these patients appeared to be?

A. The record book lay in the office. I asked no questions as to who was responsible for it. Dr. Cogswell called my attention to it as one of the record books of the institution.

Q. And the record book does not show what physician has charge of the patients?

A. It may, but my attention was not attracted to that point.

Q. You didn't examine it with a view to ascertaining that?

A. Not with reference to that point.

Q. You don't remember the kind of cases it reported?

A. No, I don't.

Q. Can you describe the book — whether it was new or old, or what kind of a looking book it was?

A. It was a folio volume, with blank pages at the end — I don't remember the number.

Q. That is, it appeared to be the one in use?

A. It appeared to be one in use at that time.

Q. And you don't know when it began?

A. I don't know when it began.

MR. BRANDEIS. — I would like to have that book.

MR. PROCTOR. — Well, if you will tell us what it is?

MR. BRANDEIS. — Well, this witness has been describing the book. I want the book that he has seen. It is the hospital record which now appears to be in use.

MR. PROCTOR. — You mean the current record?

THE WITNESS. — The current one is the one that I saw.

MR. BRANDEIS. — Is there more than one current volume?

MR. PROCTOR. — I don't know. I will take all the information that he has.

MR. BRANDEIS. — Can you give any better description of it, doctor?

THE WITNESS. — I should say one of the current books which a few weeks ago had not been completely filled with the records of patients.

MR. PROCTOR. — I am informed that that is the particular, clinical, private history of each particular case.

Q. (By MR. BRANDEIS.) You say that there were a number of physicians down there, doctor. In the proper management of this hospital what should be the division of duties among the various physicians down there?

A. I should think there should be one physician in charge.

Q. That is, the superintendent, you mean?

A. If the superintendent is also to be in charge of the medical treatment of the patients.

Q. Yes.

A. If the superintendent is a physician, it may be considered desirable that he should superintend the medical care of the cases. If he is not a physician, there should be at least two physicians connected with the institution, so that one should be there all the time; and if these two physicians who are in charge, one of them being there all the time, should desire any other assistant, it should be in the way of a medical student, and not necessarily a graduate physician.

Q. And what should be the duty of these assistants?

A. I am not sufficiently familiar with the needs of the institution to give an opinion; but I have, of course, an opinion in general in relation to the relation which physicians should bear to a hospital.

Q. What is that?

A. There should be, in my opinion, one physician who should be the responsible head of the hospital. He should have an assistant. Upon that assistant should devolve the care of such wards, or such patients, as the visiting physician, the chief physician, saw fit to assign to him.

Q. Will you allow to this assistant physician the privilege of prescribing medicines and diets?

A. I should suppose that was his duty.

Q. And you would not consider that the institution was properly conducted if the assistant physician were prohibited from doing that?

A. I should think that the institution might be properly conducted, but I should think that the assistant physician was in the wrong place.

Q. And if it is a fact that the two assistant physicians there at present are not allowed to prescribe medicines or diets, you would say that those two were in the wrong place?

A. I should think they had better resign — the assistant physician

certainly. I can conceive that they might make such demands for diet that it would be beyond the power of the institution to comply.

Q. And how about medicine? Don't you think that even in a hospital for the poor they should be allowed to prescribe the medicine?

A. Allow me, sir. You have repeatedly suggested the fact of persons being poor and their not needing as good treatment as those who are not poor. I should discriminate between an institution for paupers and an institution for the poor. I can conceive of giving more luxuries to the poor than to paupers.

Q. Now, doctor, would you consider it a luxury to give a patient such milk as he needed?

A. I consider that patient should have as much milk as he needed.

Q. Even if he were a pauper?

A. Even if he were a pauper.

Q. And if there was a constant shortage of milk, and if during the time of this constant shortage you found this very hospital was selling milk to other institutions, would you think that was a proper conduct of the dietary of the institution?

A. I should not.

Q. And if, therefore, it is true that during these periods there was a constant shortage, a constant complaint of shortage of milk, and during that same time milk was sent away, you would think it a proper ground of complaint against this hospital?

A. I should.

Q. And if Dr. Putnam reported that that was a ground of complaint you would not consider him captious in so reporting?

A. No, sir.

Q. Or that he was getting up his ideas of an institution for the rich?

A. I should not.

Q. Would you think it an unwarranted luxury if at rare intervals there was ordered, even for paupers at this institution, or individual paupers in the hospital, some baked apples?

A. Baked apples are not a necessity.

Q. I asked you whether you would consider it an unpardonable luxury?

A. I should not.

Q. And should you consider that he was captious and unwarranted in suggesting an enrichment of the dietary so as to allow baked apples to be occasionally given there under the advice of the physician?

A. I should think baked apples, or at least apples, for an institution of that sort were unnecessary. If Dr. Putnam says it is desirable that they should have had them and the superintendent was not willing to buy them, or the Commissioners were not willing to buy them, I should say that Dr. Putnam might obtain gifts from his friends which would be sufficient to supply them.

Q. You don't know that we have learned in the past that they have no authority to accept gifts for the amelioration of the poor at the island?

A. I don't consider baked apples necessary for the inmates.

Q. What would you say about beefsteak?

A. I should consider that baked apples for a sick person might be recommended.

Q. What did you say?

A. For a sick person. I would not consider a baked apple for a sick person a luxury.

Q. It was in reference to the hospital that I asked you the question.

A. I didn't understand that you were referring simply to the hospital.

Q. Oh, it was his advice in reference to the hospital.

A. I would agree with him that a supply of apples for hospital patients might serve a very useful purpose.

Q. And would you think that beefsteak should be allowed to be prescribed by physicians?

A. I would.

Q. Would you think it an unwarrantable luxury at times to order a chicken broth for a patient?

A. I should not think it unwarrantable.

Q. And if Dr. Putnam recommended that in a more liberal diet they should be allowed that, you would not think that he recommended something that was improper or that was subject to just criticism?

A. I should not.

Q. If Dr. Putnam reported upon examination of the institution in February or March that the supply of surgical instruments was insufficient, would you deem his judgment on that of value?

A. Not of so much value as if he was a surgeon.

Q. Would you not deem it a valuable opinion?

A. I would deem it a valuable opinion as far as it went.

Q. Would you deem it proper that the physician in charge of the cases, whoever it might be, should be allowed to prescribe the medicines that the patients should have?

A. I should say so, decidedly. If the patients are under his charge, he should prescribe for them.

Q. If the patients are under his charge, you think that he should be allowed to prescribe the medicines which the patient could have?

A. It should be his duty.

Q. And he should not be interfered with by others who have not charge of those patients?

A. No, sir; unless he was ordering medicines which were so expensive, and which were of doubtful value, that a larger draft upon the funds was made than was considered advisable.

Q. Well, what medicines would you consider were too expensive?

A. Well, cerium, which is said to be worth its weight in gold. There are medicines which are so expensive that they are not worth prescribing.

Q. But, so far as the ordinary medicines are concerned, you would consider that the physician should be allowed to prescribe the medicines for the patients under him?

A. I do.

Q. And if he is not allowed to determine what medicines they shall have, then it is not a wise administration of the hospital?

A. I consider it unwise to restrict the physician in the treatment of his patient by ordinary measures.

Q. If Dr. Putnam, after examining the hospital records as they are kept there, during a long period of time, pronounces those records to be unsatisfactory, would you consider his opinion reliable?

A. I should want to know what he meant by "unsatisfactory."

Q. That they were proper records to be kept in a hospital of that nature?

A. I conceive of a difference of opinion in regard to that.

Q. What is your opinion in regard to how hospital records ought to be kept?

A. It depends upon the purpose of the hospital. There is a very great difference in the keeping of hospital records. My own feeling, of course, from my point of view, is, that the records of the cases should be as complete as possible.

Q. And why is that done?

A. It is done to present as complete a history of the case as possible, in order that it may be useful in comparing it with other cases — that something may be learned from an accumulated mass of testimony that could not be learned from isolated instances.

Q. And in the general management of a hospital, isn't something looked to beyond the care and welfare of the particular patient, in trying to keep up the general standard of the hospital, and to keep the men who work in it up to a high standing?

A. It is very desirable to do so.

Q. And isn't a hospital that doesn't have any records in danger of becoming slipshod in its treatment, and the patients to suffer from it.

A. I think all institutions which are not under outside supervision are liable to become lax.

Q. And isn't it for that reason, also, that a Board of consulting physicians might be of some effect in that hospital?

A. They might or might not be of effect.

Q. Well, on the assumption that they went there?

A. If they were paid to go there, they would probably be of more benefit than if they were obliged to volunteer their services, except in rare instances where philanthropic motives might actuate them.

Mr. BRANDEIS. — I think that is all, doctor.

Q. (By Ald. LEE.) When did I understand you to say that you first went to Long Island to visit it?

A. Early in the summer. The exact day I have forgotten.

Q. Can you tell the month?

A. Oh, at a venture, I should say it was in June.

Q. You wouldn't swear that it wasn't in May?

A. I will go no further than that.

Q. And your second visit was made when?

A. A few weeks ago.

Q. Now, something was said here about the arrangements that you made to visit the island. Now, I want to ask you this question: Did you make your arrangements to visit Long Island to meet your own convenience, or was it in accordance with some agreement with Dr. Cogswell by fixing the date that you should come to suit him?

A. My own convenience.

Q. You made the appointment to suit your own convenience?

A. Yes, sir.

Q. Who fixed the time that you were to go?

A. I did.

Q. And you meant when the first call was made on you your engagements were such that you couldn't go that day, but the next day you would go?

A. No, he asked me to assign a time.

Q. And that was to meet your own convenience?

A. Certainly.

Q. Now, have you known Dr. Cogswell very long?

A. I have known Dr. Cogswell for some time.

Q. What is your opinion of him as a physician?

A. I have no further grounds for an opinion. I assisted at his graduation from the Medical School by examining him, and upon hearsay know that he has held a conspicuous position since graduation—as one of the City Physicians. Those are my only means of knowing his qualifications.

Q. Have you ever heard his ability questioned among any of the profession?

A. I have not.

Q. (By Mr. BRANDEIS.) Dr. Cogswell does not take part in any of the proceedings you physicians have from time to time in the Medical Society, does he?

A. I think likely he does.

Q. You have no knowledge?

A. I have no knowledge of meeting him in the Medical Society.

Q. And when did he graduate?

A. I should have to guess.

Q. Well, make a guess.

A. Well, sometime within the last twelve years or fourteen years.

Q. And from that time on you have never come in contact with him in any way?

A. I have not.

Q. And all you know about him is that he has held this position as a practitioner at the island?

A. Yes, sir; and also his other position.

Q. That he held these positions in the city?

A. I think shortly after graduation he was appointed at the island and has held these positions ever since that time, as far as I am aware.

Q. (By Mr. RILEY.) Well, his practice was down there?

A. Yes, sir.

Q. (By Ald. LEE.) Well, after graduation did he devote any time to the City Hospital or the Massachusetts General, that you know of?

A. I think he was probably one of the house physicians.

Q. At the City Hospital?

A. Yes, that is my impression, but I am not positive on that point.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Now, doctor, assuming that when Dr. Cogswell took charge of the hospital on Long Island he found such a man in charge of the pharmacy as Brother Brandeis has described to you, compounding medicines, as Brother Brandeis says and administering them to the patients, and he immediately removed that man from that position and placed in his stead to do that work a practising physician, should you then say that Dr. Cogswell had used good judgment in that matter?

A. If he were satisfied that this other person was incompetent, he had done his duty. That is a question of judgment.

Q. You spoke in your direct-examination of seeing seventy to one hundred patients in the hospital, and you stated that there was sufficient nursing there or a sufficient number of nurses to take care of such patients as you saw. Mr. Brandeis has assumed that the number of patients was greater, and has asked you a hypothetical question. Now, assuming that the number of patients was one hundred and forty-five on that day, that your estimate of the number in the hospital; namely, from seventy to one hundred, is a correct estimate, and that those whom you didn't see were out-doors walking about the island, were suffering only with chronic complaints, and slept all night long, and required no attention in the day-time—should you then say that the number of nurses was sufficient.

Q. When you were at Long Island I understand you to say that you discovered no such proportion of acute diseases as Dr. Harkins, who has testified here, sets forth in his report of four years ago or three years ago. Am I correct?

A. Of course that report does not give a statement of what existed on any particular day. It wasn't the season for measles, for instance, when I was there, wasn't the season for scarlet fever when I was there, a little early for typhoid fever on my first visit—shouldn't be any typhoid fever there unless it was brought down from the city.

Q. Well, you understand, doctor, that all these hypothetical questions based upon what Dr. Harkins says are in reference to the old hospital which was in the institution building, and that everything that Dr. Harkins says was in reference to that hospital and the statement made before this new hospital was ever constructed, was it not?

A. I wasn't aware that any such distinction was made by Mr. Brandeis in asking me the hypothetical question. I didn't understand him

to make any distinction between then and now. He merely asked me a hypothetical question, which I answered to the best of my ability.

Q. I simply wanted you to understand that his hypothetical question was based on a statement made by Dr. Harkins in regard to another hospital entirely, and that Dr. Harkins has not testified here. Some questions have been asked you in regard to nurses and the training which they should have received before being competent to serve in the hospital at Long Island. I would like to ask you if a nurse who had had several years' experience as a nurse in the City Hospital would, in your judgment, be competent to take charge of a ward or to be head nurse in the Long Island Hospital?

A. Ought to be competent from training and all.

Mr. BRANDEIS. — Although she couldn't write?

Mr. REED. — I didn't ask that question.

Mr. BRANDEIS. — Isn't that to be included in it?

Mr. REED. — It is not a fact that she cannot write. I have seen her write her name.

Mr. BRANDEIS. — I guess that is all she can do.

Q. (By Mr. REED.) Will the doctor answer that question?

A. If she has been employed in the several hospitals several years, even if she couldn't write, I should think she was likely to be a competent nurse, or they wouldn't have kept her if she hadn't been for that time.

Mr. PROCTOR. — Penmanship is no part of the qualifications of a nurse, any way.

Q. (By Mr. REED.) Did you discover in the hospital on Long Island any bathing facilities in the open wards?

A. I saw none.

Q. You saw bath-rooms there and bathing facilities?

A. They were not in the open ward.

Q. Where were they, doctor?

A. They were in special rooms, bath-rooms.

Q. Do you know, doctor, that as long ago as 1852, the institution at Tewksbury was established and that they didn't introduce this system of consulting physicians until 1889?

A. I heard the statement that in 1889 the Board was established.

Q. Now, I would like to ask you in regard to the condition of the plumbing there — whether if the water were temporarily cut off from the Massachusetts General Hospital by the breaking of the supply-pipe by accident, as in the case at Long Island, such a condition as has been assumed to have existed at Long Island might not well have occurred even in the Massachusetts General Hospital?

A. Might have.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Would it have continued for months — been allowed to continue for months, at the Massachusetts General Hospital?

A. No, sir.

Q. Do you think those in charge of the Massachusetts General Hospital, if they had all the means of having all the great ocean around them and of having a pump in the building, would, after the long continuance of this break in a water main, have pumped water up and kept their hospital clean?

A. I think steps should have been taken at once to overcome the difficulties which arose in that way.

Mr. PROCTOR. — Well, you knew it was only two days, Brother Brandeis?

Mr. BRANDEIS. — I know this condition of things was repeated from time to time, and lasted in all, for months.

Mr. PROCTOR. — You didn't put in any evidence of that, you know except your own statement. You are not under oath.

Mr. REED. — Why didn't you bring a witness to that effect?

Mr. BRANDEIS. — Well, that is a fact.

Mr. PROCTOR. — Why don't you prove it?

Mr. BRANDEIS. — We will put in the evidence now if you will give us an opportunity.

Mr. PROCTOR. — But you forgot it, didn't you — didn't think it of sufficient importance to put it in last spring?

Mr. BRANDEIS. — I think you will find that that is in — testified to.

Mr. PROCTOR. — Never any such thing.

Q. (By Mr. BRANDEIS.) Now, doctor, Mr. Reed asked you, called your attention to the fact, that this specific list of diseases that Dr. Harkins gave his opinion on related to the year 1891. I will ask you now to look at that list of diseases which appears in the report for the year 1893-94, and ask you whether you observe any difference between what Dr. Harkins made his report on and what you have now in your hand?

A. This report relates to the hospital at Long Island.

Q. Long Island, isn't it?

A. And you have called my attention to one page.

Q. I think I called your attention to special pages.

A. Simply Class A and Class B. I see there are other pages in sequence.

Q. This is the physician's report, it is Dr. Cogswell's own report.

A. Then it is the entire list that you want.

Q. Yes, sir; the entire list of the diseases.

A. So far as first page goes here, which I have compared, it seems to me there was not the same class of diseases in the two reports.

Q. Not the same class of diseases on which Dr. Harkins made his report; that they were not all chronic cases, as supposed, and you find there, also, in that list cases of a different nature from those which you observed in the course of your visits in the summer and fall of this year?

A. Certainly none of these, so far as I am aware; none of these acute cases which are here on this page did I see anything of at the time of either visit.

Q. Yes; but if you should find that from year to year these acute cases did exist at that hospital, do you think provision should be made for taking care of them?

A. Certainly.

Q. And that a hospital that was equipped on the theory of their being none wouldn't be properly equipped?

A. I should say that it doesn't require very much of an equipment to treat that class of cases, acute cases, different from the same equipment that would be necessary for chronic.

Q. But it is to betaken into consideration,—I mean by "equipment" the whole plan of the hospital, including the matter of nursing?

A. No, I should say not, no sir, that it didn't require anything essentially different in the administration of the hospital if such acute cases as are to be seen there were to be found.

Q. What kind of cases that ordinarily happen in hospitals do not appear on that list?

A. I should have to look the list over.

Q. Cannot you give the answer without looking at it now?

A. I shouldn't do that, because I haven't looked the list over with sufficient detail to reply to that statement.

Q. What kind of cases do think now, do you have in mind, requiring special attention, that will not be found there?

A. I haven't any thought in the matter. You asked for a statement of the fact. I will give it to you if you wish me to look over the list.

Q. It is only valuable by tracing your opinion, and if you have not anything special in mind I don't know as we can gain anything.

A. Put your question in such a way that I can.

Q. I thought you drew distinctions between two kinds of hospitals. Now, when I showed you this list of cases apparently there appeared to be in the list prepared by Dr. Cogswell instances of diseases which you had not observed any cases of, and you say that that does not affect your opinion as to the conduct of the institutions. Now, I ask you what kind of cases you have in mind that would affect your opinion?

A. I would state that in a hospital like the City Hospital or the Massachusetts General Hospital there are a great many acute cases that are brought in there and stay there from four to six weeks, and then others come in and take their places; whereas there are other institutions which are frequented by chronic cases that will remain, perhaps, for years in the institution. Take a chronic case — during the stay of a chronic case in a hospital or institution — there may be some intercurrent acute disease, so that you may have in a report like that a case of what might be called intermittent fever or Bright's disease. The Bright's disease may be a chronic disease, the intermittent fever an affair of a few days, but it is the same patient, and every provision has to be made for his care or diet if he has Bright's disease or intermittent fever.

Q. Well, what is the number of nurses? What number of nurses do you suppose there are in the City Hospital or the Massachusetts General Hospital to the patients — to the acute cases, I mean — on the average?

A. I think the number in both those hospitals is unusually large, because each hospital has a training school connected with it, and one of the functions of the City Hospital is to provide or educate trained nurses, so that they have a larger number of nurses in attendance than is actually necessary for the immediate needs of the patients.

Q. Well, is there any reason why this institution should not also do its share in the general education of the public.

A. The answer to that would be that the kind, the variety of cases, isn't of a sort which would be likely to serve as useful material for the training of nurses.

Q. Well, I would ask you what class of hospital and class of cases would be comparable to this?

A. I should compare this institution with Tewksbury, for instance.

Q. Yes, and would there be any reason why the distinction should be drawn between here and Tewksbury?

A. I think not.

Q. Well, I ask you, taking the statement of Dr. Putnam, on page 715 of the report, whether you would agree with him:

Though the amount of nursing service in the Almshouse may not be fairly compared with that of the wards for acute cases at the City Hospital, where there are less than four patients to a nurse, because the diseases there are of a different character, yet certainly it may fairly be placed in contrast to the City Convalescent Home in Dorchester, where there are only fifteen patients to a nurse, as well as to the hospital at the Tewksbury Almshouse, where there are eighteen patients to a nurse.

Do you think that comparison made by Dr. Putnam is a fair comparison?

A. I won't say anything about Dr. Putnam's comparison, but I would say that if I were in charge of an institution of that sort I should be satisfied with one still head nurse in a ward of thirty or forty patients, and that I should expect to draft from the inmates of that institution more than enough service to carry out, provide all the assistance that was necessary in the care of the patients.

Q. Then you think that eighteen patients to a nurse, or a nurse to eighteen patients, at Tewksbury, is an unwise provision?

A. I don't know about Tewksbury, I have no knowledge of Tewksbury, but if Tewksbury has a number of apparently strong and intelligent paupers, such as I saw at Long Island, I should say that at Tewksbury they should make more of them work and assist in nursing.

Q. Well, in speaking of twenty-five or thirty patients to a nurse you mean a nurse for the day and a nurse for the night?

A. I mean a competent head nurse for day and another for night, who should direct everything in the details of the management of the patients when in the ward, and enough assistance should be provided for her. I don't expect her to wash and scrub and give medicine to each patient, but she should be held responsible that each patient received the proper care, and the assistance should be provided that nurse which in an institution of that kind I can conceive could be readily obtained without any additional cost to the institution.

Q. But if you found, as Dr. Putnam found, that, counting both day and night nurses, there was only one nurse to twenty-six patients, I mean day and night,—which practically would be one to fifty-two,—you would think that Dr. Putnam was right, in complaining that the number was not great enough?

A. I wouldn't accept the practical interpretation that you put upon it. I should say one nurse for the day-time, and another nurse for the night-time, both of them trained and skilful nurses, were essential in an institution of the sort that I saw at Long Island.

Q. Yes; would you think that a hospital, even if it were a hospital for the poor, was properly managed, and everything ended at eight o'clock, that there was no care and no diet provided beyond that, under any circumstances, and everything practically shut down, so far as nursing was concerned, at eight o'clock?

A. I should like to have that question stated, if you please, again.

Mr. PROCTOR. — What page are you reading now?

Mr. BRANDEIS. — It is not on a page, but it is a question for the witness to testify to.

Mr. PROCTOR. — What is the name of the witness, I would like to look it up?

Mr. BRANDEIS. — Well, it is not on a page.

Mr. PROCTOR. — Well, that is another witness you forgot about, last spring, is it?

Mr. BRANDEIS. — Well, some things have happened since last spring.

Mr. PROCTOR. — Yes, I noticed that — happening all the time. This isn't in the testimony at all. You are making another attempt of the same kind you made before.

Mr. BRANDEIS. — Simply stating a fact.

Mr. RILEY. — You are getting unruly.

Q. (By Mr. BRANDEIS.) If you found, doctor, in these institutions, that the nursing practically ended at eight o'clock, so that patients couldn't under any circumstances get any food between eight and six in the morning, although it might be deemed necessary by the physicians, would you think that that was proper for a pauper hospital?

A. I should not.

JOHN H. MCCOLLOM, M.D. — *Sworn.*

Q. (By Mr. REED.) You are a physician, Dr. McCollom?

A. I am,

Q. And how long have you been a physician?

A. About twenty years.

Q. Where were you educated?

A. At the Harvard Medical School.

Q. And what year did you graduate from the Harvard Medical School?

A. '70.

Q. And did you pursue your studies any farther at any other institution?

A. I did.

Q. Where?

A. The Marine Hospital in Chelsea.

Q. Any other institution?

A. No.

Q. And you are at present the City Physician of Boston, are you not?

A. Well, that isn't the proper title.

Q. What is the proper title?

A. Physician to the Board of Health. That is the official title.

Q. Have you held any other official position for the city?

A. Not for the city.

Q. For any other institution?

A. I am examining physician of out-patients at the Massachusetts General Hospital.

Q. Are you at present?

A. I am.

Q. How long have you held that position?

A. About a year.

Q. Is there any other official position that you have held or hold at the present time?

A. Nothing of any importance.

Q. Do you belong to any medical societies?

A. I do.

Q. Will you name them, please?

A. The Suffolk District Massachusetts Medical Society, the Boston Society for Medical Observation, the Medical Improvement Society, the American Public Health Association, the Boston Society of Medical Science — I believe that is all.

Q. How long have you been employed by the city, doctor?

A. About fifteen years.

Q. In 1891 did you make an examination of the condition of affairs at Rainsford Island?

A. I did.

Q. In respect to cleanliness, etc.?

A. I did.

Q. And that was in response to a request of the Commissioners of Public Institutions, was it not?

A. It was.

Q. And did you know why such a request was made of you?

A. No, I don't know that I did.

Q. Did you ever hear that it was in consequence of complaints made by Mrs. Lincoln at the Commissioners' office?

A. I did not.

Q. Well, under what circumstances did you go the Home for Paupers to make an examination?

A. I went down on the "Bradlee" one afternoon, the afternoon trip, quarter past two, and I remained there three hours, I think.

Q. Was your visit arranged for at the islands?

A. I don't see how it could have been, because I didn't know I was going until about half an hour before I started — twenty minutes, perhaps.

Q. Then you didn't know you were going until twenty minutes before you started?

A. I didn't that particular day.

Q. Then you hadn't sent word ahead that you were coming?

A. No; twenty minutes, may have been half an hour, I don't know just the time that it was before I started, before I knew I was going. I didn't expect to go that day.

Q. How did you go down — on the “Bradlee”?

A. Went down on the “Bradlee.”

Q. Do you know how far in 1891 the telephone extended, if to any of the islands?

A. I am not positive. I know it wasn't at Gallop's Island at that time. Farther than that I am not positive.

Q. You don't know whether it went to Rainsford?

A. I don't know.

Q. Now, did you make an examination of the beds in the institution for men?

A. I did — took down some fifteen or twenty beds and was unable to find any vermin.

Q. Well, you said you were there about three hours?

A. I should say it was about three hours.

Q. And after making your examination did you make a written report to the Commissioners?

A. I did.

Q. Is that the document which you submitted to them?

A. It is.

Q. Now, I would like to have you read that, doctor, if you will kindly, to the committee.

Mr. BRANDEIS. — One moment. I want to ask whether that report was ever entered upon the files of the Commissioners or whether it was a private document of Dr. Jenks?

Mr. REED. — I am sure I can't tell you.

Mr. BRANDEIS. — Allow me to ask the witness a question.

Q. Dr. McCollom, you say you were requested to come by the Commissioners? By which Commissioner were you requested to go down?

A. I don't remember at this time whether — it was in the office of the Commissioners, don't remember who was there. I don't remember.

Q. You don't know who asked you?

A. I know Dr. Jenks asked me, but who else was present there I don't know.

Q. You don't know whether anybody else was present?

A. I can't say — don't remember.

Q. And when you say you handed that to the Commissioners, do you mean you handed it to Dr. Jenks?

A. I handed it to the secretary.

Q. General Donohoe?

A. Yes.

Q. Do you know anything about the report — whether it was received by the Commission and placed on file in any way?

A. I know nothing about it further than that.

Q. That you went at Dr. Jenks' request, and handed the report to the Commissioners?

Mr. REED. — If there is any objection to the report I will get at it in another way. But I think perhaps it will save time to let the doctor read it.

Mr. RILEY. — That is no part of the record, I understand.

Mr. PROCTOR. — Well, it is a memorandum he made and he can read it.

Mr. REED. — It is perfectly immaterial to me whether he reads it or not.

Mr. PROCTOR. — He can read it. That has been ruled on time and time again.

Mr. RILEY. — No, no.

Mr. PROCTOR. — Yes, you have read a letter from the superintendent of the State Almshouse at Bridgewater into a question.

Mr. RILEY. — You cannot get that in here.

Mr. PROCTOR. — Oh, yes, you can.

Ald. LEE. — I understand that it is facts we are getting, and that is what we want here. If he has a report he wrote himself let us have it, no matter whom it strikes.

Ald. Fottler in the chair.

The CHAIR. — The witness will proceed and read the report.

Mr. RILEY. — One moment, if you please. There is a little misapprehension here. The Alderman says, "Let it be read, no matter whom it strikes." That is not the question — it is the question of the prevalence of a put up job.

Ald. LEE. — When was this, 1891?

The CHAIR. — 1891.

Mr. RILEY. — This witness went down, I understand, at the suggestion of a member of the Commission. If the counsel will produce the records, I think the records will show that he wasn't sent down by any of the Commissioners. He made a private report to a member of the Commission.

Mr. REED. — Mr. Donohoe isn't a member of the Commission.

Mr. RILEY. — You had better keep quiet a few minutes and you may learn something.

Mr. REED. — I will keep quiet when I feel like it, and speak when I feel like it.

Mr. RILEY. — Evidently you boys haven't been to school for some time.

Mr. REED. — I don't care to press this now, but I will put every word of that report in evidence before you.

Ald. LEE. — I don't see any need of this dilly dallying between lawyers. Mr. Riley says this is a put up job, but here is a document which Dr. McCollom wrote himself and presented to the Commissioners.

Mr. PROCTOR. — He did not.

Ald. LEE. — Well, presented it to the secretary. He is the chief clerk of the Board of Commissioners, and if there is any reason for us not having that let us have it. I don't see any harm from it, and we are only wasting time.

The CHAIR. — The witness will proceed to read the report for the information of the committee.

Mr. RILEY. — No, no.

Ald. LEE. — May I ask for a vote on that, if there is no objection. The Chair has so ruled and no objection has been made. I suppose this committee is conducting this investigation and not Mr. Riley, Mr. Proctor, or Mr. Brandeis.

Mr. RILEY. — But here is a document that is in under oath, that is not official.

Mr. PROCTOR. — And here is a man that is.

Mr. RILEY. — Well, I must say your manners are pretty bad, to put it mildly.

Mr. PROCTOR. — You have said that a good many times, and I regard you as a very bad judge.

Mr. RILEY. — And I look upon it as worse on account of your size. Now, here is a witness on the stand to testify under oath and you are now asking him to read documents he has not sworn to and which he does not propose to swear to. That certainly is incompetent anywhere and under any circumstances. Let questions be put to this witness and let him answer them. We know for what purpose this document is proposed to be read and we know why the Commission as a Commission did not receive it.

The CHAIR. — It seems to the committee that if you desire to ask any questions on the cross-examination you can ask questions relative to that document.

Ald. LEE. — If Mr. Brandeis will let him.

The CHAIR. — I think he will. If the committee desires to get any information I think they can get it by hearing that document read.

Mr. RILEY. — But before it is read the record of the Commissioners should be looked at to see whether it was received or not. I understand that it was never received officially.

The CHAIR. — Well, supposing the record is not here?

Mr. RILEY. — Supposing this appear, than when it was presented its contents were so absurd and far away from the truth that the Commissioners would not receive it? Then do you mean to tell me that it is competent here?

Ald. LEE. — Do I understand Mr. Riley to say that Dr. McCollom would write a document, present it to the Commissioners as a city official, sent down to that place, and place anything in it but that which he had seen and which was the truth?

Mr. RILEY. — Oh, you cannot put it in that way.

Ald. LEE. — Well, that is what he seems to assert here from his statements. I may be a little thick — it is a long time since I was at school.

Mr. RILEY. — No, you are not — you are a little thin. Don't misunderstand my position. When the document was presented, the Commissioners rejected it as untrue. Now, what man with common sense would think of admitting it here?

Ald. LEE. — Then we want to hear it, Mr. Chairman, there may be something in it that will throw some light on the matter.

Mr. RILEY. — Get the records.

Ald. LEE. — Take the document as it is. I make that motion — that Dr. McCollom read that document.

Ald. LEE. — motion was carried.

The CHAIR. — Now, doctor, proceed. We have wasted too much time already.

Ald. LEE. — You mean the doctor or Mr. Riley?

The CHAIR. — Mr. Riley.

The WITNESS. — (Reading):

BOARD OF HEALTH, BOSTON, September 23, 1891.

To the Commissioners of Public Institutions:

GENTLEMEN: — In compliance with your request I have made a careful investigation of the Home for Paupers on Rainsford and Long Islands. In the institution for men the beds were found to be clean and comfortable; the bed clothing sufficient; the number of persons in each dormitory, although greater than is desirable, was not excessive. The ventilation was good; there was none of that peculiar odor frequently noticeable in institutions of this kind. The clothing of the men was clean, particularly the shirts. Careful investigation of the water-closets revealed the fact that they were properly flushed; that the seats were clean; that there was no perceptible odor from them. An examination of the kitchen and the dining-room indicated that the food was properly prepared and served. As to the quality of the food I can state from personal experience that it was good, much better than the majority of the inmates received when in homes of their own. In the dispensary there was a well-selected, carefully arranged, and complete assortment of drugs, comprising all the latest remedies, showing the presence of a careful, painstaking, and scientific medical officer. In the hospital for men the patients were in clean beds; their appearance indicated that they received every possible attention from physician and nurse. One case, in particular, attracted my attention as being an exponent of the management of the hospital. It was that of a poor cripple, who had very little use of his arms and legs. This patient was clean; his bed was clean; there was no odor from him. No more positive proof of careful nursing could be desired.

The number of cubic feet of air space allotted to each person, in the dormitories for men, ranges from five to seven hundred.

In the ward for women, in this institution, there was the same careful at-

tention to the wants of the patients as was noticed in the men's wards. No hospital odor could be detected in this ward, although here was a faint smell of carbolic acid. Some eight beds, taken at random, were carefully examined, and in no instance was there any indication of vermin or of uncleanness.

The smoking-room was visited. In this place were found fifteen or twenty men smoking and playing various games. Although there was a strong odor of tobacco smoke, there was no indication of uncleanness. An examination of the diet list shows that the food is abundant and that it is sufficiently varied. It consists of bread and butter, coffee or tea, or shells for breakfast and supper; of meat or fish, or baked beans and potatoes with rice and molasses for dinner. The extra diet list for the hospital consists of eggs, milk, beef-tea, chicken broth, gruel, fruit, and crackers.

One of the most positive indications of the injurious effects of neglect or of overcrowding is the existence of a great number of cases of acute diseases. An examination of the report of the medical officer at Long Island for the years of 1889 and 1890 shows that in 1889 out of 771 admissions only five patients died from acute diseases; the other deaths having been caused by heart disease, consumption, old age, and apoplexy. For the year 1890, with 370 admissions, there were only six deaths from acute disease. There can be no more convincing argument than this against the statement that the patients are crowded to any great extent, underfed, or neglected in any way.

Rainsford Island was next visited. The hospital on this island is a very old building, and therefore does not have a very attractive appearance. It is somewhat crowded. The number of cubic feet of air space allotted to each patient is about 700. In this hospital there was the same cleanliness, the same careful attention to the comfort of the patients noticed in the other hospital. The lying-in room, although small, answers its purpose fairly well. If the air of a ward is impure, if proper attention is not paid to cleanliness, lying-in women are the first to suffer. In 1889 there were eighteen confinements; in 1890 there were thirteen in this hospital. There were no deaths and no puerperal complications. Comment is unnecessary; the figures speak for themselves.

In the institution proper there was not the slightest indication of neglect on the part of the attendants in regard to the food, clothing, bed, and personal cleanliness of the inmates. The physical condition of the children in any institution is one of the very best indications of careful management. The children inspected were clean and well-nourished; infinitely cleaner and better nourished than children in the same walk of life at home. The eyes of these children were examined; in no instance was there any evidence of conjunctivitis either past or present. As this is such a common disease in eleemosynary institutions its absence was particularly noticeable. An examination of the report of the medical officer on this island shows that out of 559 admissions to the hospital in 1889 there were only seven deaths from acute diseases; in 1890 with 393 admissions there were nine. One very important fact in indicating the sanitary condition of this institution, is, that of the seventy children under two years of age treated since January 1, 1891, only one died from gastro-intestinal catarrh. As most of the children were "bottle-fed" the unprecedented low death rate from this disease speaks for itself.

In conclusion let me say that although the institution on Long Island is somewhat crowded; that although there are none of the modern appliances for ventilation in the buildings; that although the number of paid nurses is too small, the administration reflects the greatest credit on the executive and medical officers.

In the hospital for women on Rainsford Island, notwithstanding that the building is more than fifty years old, and that it is somewhat crowded, there is no indication of suffering on this account. The low death rate is the most convincing argument in support of the above statement.

The remarks regarding the institution on Long Island apply with equal force to the institution on this island.

Respectfully submitted,

(Signed)

JOHN H. MCCOLLOM,
Physician to Board of Health.

Mr. RILEY. — (Referring to a document in Mr. Reed's hand.) What is that?

Mr. REED. — A typewritten copy.

Mr. RILEY. — Of what?

Mr. REED. — Of this report.

Mr. RILEY. — Oh, yes, there are two of them.

Mr. REED. — Yes, sir; this belongs to me.

Mr. RILEY. — I see.

Mr. REED. — And this belongs to the doctor or the Commissioners.

Mr. RILEY. — I don't wonder that you gentlemen laugh.

Mr. PROCTOR. — Well, I laugh at your objecting to Mr. Reed's having a copy.

Mr. RILEY. — I wish you would be careful and see that every line of that is published in the newspapers to-morrow.

Mr. REED. — Yes, if I can get it there.

Mr. RILEY. — At so much per line.

Mr. PROCTOR. — We can get it in cheaper than that.

Mr. REED. — We haven't adopted your methods yet, sir.

Q. Since your examination of the institutions in 1891, doctor, I presume that you have visited these institutions frequently, have you not?

A. I shouldn't say that I have been there frequently. I think I have been two or three times, possibly.

Q. You have been two or three times?

A. Yes, sir.

Q. Now, within the past year have you visited the hospital at Long Island?

A. I was down at the hospital at Long Island about six weeks ago.

Q. And previous to that time had you visited the new hospital on Long Island?

A. Well, not since it was opened.

Q. That is the first time you have been there since it was opened?

A. Yes.

Q. And at that time, I presume, you went there at the request of Dr. Cogswell, did you not?

A. I did.

Q. And you notified Dr. Cogswell, I presume, sometime in advance that you were coming, did you not?

A. I don't remember just about that. I should say that—well, I think the "Vigilant" came up about an hour before I went down, although I can't say positively about that.

Q. You went down on the "Vigilant"?

A. Yes.

Q. And you have made an examination of the hospital?

A. I have—I did, rather.

Q. Now, what did you find to be the character of diseases in the hospital at Long Island at your last visit?

A. They are principally chronic diseases.

Q. Do you remember of having your attention called to any acute diseases or did you notice any?

A. I don't remember any acute disease, unless you speak of a woman who had just been confined. That is hardly an acute disease, but she was in an acute puerperal condition.

Q. There was a case of that kind there?

A. Yes; of a woman who had been confined shortly before.

Q. Was that case in the nursery at the left of the corridor?

A. It was.

Q. Did you visit the other wards, the three wards?

A. Yes; went through the three wards.

Q. And what was the number of patients in the hospital that day?

A. I should say between seventy and eighty that day, although I may be in error, because I haven't my notebook with me.

Q. And how many of those were confined to their beds?

A. There were comparatively few confined to their beds. That is to say, they were in bed, but they were not acutely ill.

Q. Do you remember how many nurses were employed there at that time?

A. I don't remember. I should say that there was one head nurse — at least a woman that was called the head nurse — to perhaps twenty-five or thirty patients. That is my impression.

Q. There was a female nurse in each female ward?

A. Yes.

Q. And a male nurse in the male ward?

A. Yes.

Q. For the proper care of the cases which you saw there and the patients which you saw there, should you say that there were sufficient nurses?

A. Seemed to me that there were.

Q. Did you make any examination of the food which was provided for these patients?

A. As far as the food of the patients is concerned, I tasted the bread. I looked at the coffee and I tasted the coffee — it wasn't made, but I tasted the coffee. It seemed to me that the bread was good, sweet, and wholesome. The coffee was good so far as one could tell by tasting raw coffee, uncooked coffee — wasn't burned, of course — unboiled coffee.

Q. Did you see any beefsteaks about there that day?

A. I don't remember that I saw any.

Q. Do you remember what they had for dinner?

A. I don't remember what the diet list was. This was along about one o'clock I should say — the dinner was over.

Q. It wasn't the dinner-time?

A. No.

Q. From what you saw of the food would you say that the quality was good and proper for the patients?

A. What I saw the quality was good and proper quantity.

Q. Did you make any examination of the bedding and beds provided in the hospital?

A. I did.

Q. And what was your judgment as to that?

A. I thought that they were comfortable beds in the hospital. They were wire-woven mattresses with a mattress on the top of the wire-woven mattress — a great deal thicker than they have at the City Hospital.

Q. And the ventilation, was that a subject of examination by you?

A. It was.

Q. Well, what is your judgment as to the ventilation of that building?

A. You are speaking of the hospital?

Q. Of the hospital, yes.

A. You mean the new hospital or the old one?

Q. The new one?

A. I should say the ventilation was very good. And as to the cleanliness of the wards —

Q. The wards were cleanly?

A. They were as cleanly as any wards of any hospital.

Q. Now, did you discover any bathing apparatus in the open wards?

A. Did not.

Q. Did you find bath-rooms and bath-tubs elsewhere?

A. I did.

Q. And were they in proper and convenient places?

A. They were in convenient places and the bath-tubs were clean and remarkably good bath-tubs.

Q. Did you look at the supply of surgical instruments?

A. I did.

Q. And what was the nature of the supplies?

A. There seemed to be a supply there sufficient for any emergency — of course not such a supply as they would have at the Massachusetts General, because people don't go down there for the special purpose of an operation, but I didn't notice the lack of anything that would be required in an emergency.

Q. And did you visit the pharmacy?

A. I did.

Q. Where the medicines were kept?

A. Yes.

Q. What kind of a supply of medicines did they have?

A. They had a sufficient supply.

Q. Did you make any examination of the hospital records?

A. I did.

Q. And what do you say as to them?

A. They seemed to be well kept. The disease and the name of the patient and all that is absolutely necessary for records I saw in quite a number of cases.

Q. Did you make any inquiries or were you informed as to the medical staff in charge of the hospital?

A. I understood that there was a resident physician and two medical officers.

Q. Now, in your judgment was that a sufficient medical staff to properly care for the receive persons in that hospital?

A. For people sick with chronic diseases I should say, Yes.

Q. When you speak of chronic diseases do you mean such diseases as you found there?

A. Such as I found there.

Q. Do you remember how far back these medical records went?

A. I do not.

Q. Then do I state it correctly, doctor, when I say that on the whole you found a proper building there for a hospital, a well-ventilated hospital, a well-equipped hospital, and, so far as you could observe, a well-managed hospital for the treatment of the cases that were obliged to be there?

A. That is my opinion.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) You were there how long ago, doctor?

A. About six weeks ago, I should say.

Q. And you went at the request of Dr. Cogswell?

A. I did.

Q. How long before you went there did he request you to go?

A. That particular day I should say it might have been an hour — may possibly have been an hour and a half.

Q. You don't know how much the hospital was furnished up and got in condition before you went down there?

A. I don't know anything about that at all. I am telling you all I know.

Q. All you say is, that from what you saw when you went down there it was clean?

A. Clean.

Q. And well ventilated?

A. Yes, sir.

Q. And you went down there within a very few hours, at all events, of the time Dr. Cogswell requested you. Is that the fact?

A. Yes, sir; that is the fact.

Q. Now, in your report in regard to the hospital, of 1891, you speak of its showing the presence of a careful, painstaking, and scientific medical officer?

A. Yes.

Q. To whom did you refer?

A. Dr. Harkins was there.

Q. Well, you consider that he was a careful, painstaking, and scientific medical officer?

A. I have always so considered him.

Q. And you have had some acquaintance with him?

A. I have.

Q. He has been in your department, too, hasn't he, in the Board of Health?

A. He was.

Q. And you have had occasion to observe him?

A. I have.

Q. And you would have confidence in his judgment in medical matters?

A. Yes, sir.

Q. Well, now, you apparently found fault at that time with the absence of a sufficient number of paid nurses?

A. Yes.

Q. And do you remember anything more specific in regard to that — why you considered the number insufficient?

A. At this length of time I couldn't state — don't know what the number was.

Q. Dr. Harkins speaks of sixty-one patients to one nurse in Ward 7 at Long Island. Is that what you had in mind?

A. Well, I say I can't remember. That was three years ago, and when I wrote the report it was based on the facts.

Q. Then he speaks in another case of 115 patients in Wards 6 and 8 under one nurse. Is that what you had in mind?

A. Well, that would depend altogether on the class of cases. It is impossible to answer those things.

Q. I mean in the main wards there?

A. It is impossible to answer such a question without knowing what the nature of the cases is.

Q. You know the nature of the cases you were examining there?

A. I know the nature of the cases I was examining at that time.

Q. Well, that is precisely the time you were down there. This letter was written in the fall of 1891. One is September 11 and the other October 19. They are just on either side of the date of the doctor's investigation.

A. I can readily understand how a nurse with plenty of assistance from the other patients who were not specially ill could get along with that number.

Q. Well, why did you say there wasn't enough?

A. I did say so in my report.

Q. Well, why did you say so?

A. Because I thought there were not enough.

Q. Well, why did you think so?

A. I don't know as it is any of your business why I thought so. If I did think so, that was my opinion, and if you don't like it you needn't ask me.

Q. I like it very much — it coincides with my own.

A. Then it must have been a great mistake if I ever coincided with an opinion you expressed.

Q. Oh, don't!

A. Well, I didn't come up here to be brow-beaten by you, and I don't intend to be, either. I will appeal to the committee if I am to be subjected to this foolish nonsense.

Q. Well, doctor, that isn't polite.

A. I don't care if it is polite or not. If it isn't, you can make the most of it.

Q. Well, I will make the most of it by being very polite to you. What I am desiring to find out, doctor, is, what facts were in your mind when you gave that valuable opinion in regard to the number of nurses?

A. I have told you that I wrote that report three years ago. I don't know just what the facts were.

Q. Yes. Now, I am endeavoring to refresh your recollection, and I thought that, in the customary way, by suggesting the fact, or suggesting some fact to you, you might be able to recall what, in the multitude of your duties, undoubtedly has escaped from your memory. I now ask you whether one of the facts which you had in your mind — now letting your mind dwell upon that visit — whether one of the facts you had in mind was that there were 115 patients in the male wards and a single nurse?

A. I don't know how many patients there were at that time, have no remembrance of the number of patients at that time.

Q. Then that statement does not recall anything to your mind?

A. It does not.

Q. Does it recall anything to your mind in regard to the infirmary ward, the one nurse and forty-two patients, called upon also to do the laundry washing, and to take charge of three sleeping dormitories in addition to the infirmary?

A. That is something I know nothing about.

Q. You don't remember anything about that?

A. I say I remember nothing about it.

Q. Did you make any memoranda or notes other than what appear in this report?

A. I presume I did; I don't remember. I can't say positively.

Q. You speak in regard to the sanitary arrangements on Rainsford Island, and under date of January 27, 1892, about four months after the date of your report, Dr. Harkins speaks in a letter to one of the Commissioners of "125 women in attics and no closet or sink; 70 women in dormitories of White House with one closet, and this latter also the only one available for women in the sewing-room." Does that recall to you any facts in relation to that?

A. I don't know what you mean by the "infirmary." It is an attempt on your part to call buildings by names they didn't have at that time.

Q. I am making no attempt. I am reading this letter and the word "infirmary" didn't appear in it. I will read it again, doctor, as there seems to be some misapprehension; "125 women in attics and no closet or sink; 70 women in dormitories of White House with one closet, and this latter also the only one available for women in the sewing-room."

A. I don't know what you mean by "The White House."

Q. You don't know that?

A. No, I don't.

Q. Don't know what it refers to?

A. I don't know.

Q. Then the only visit you made was that single visit and you had not familiarized yourself with the nomenclature of the buildings on the island?

A. Those names were not given me at all.

Q. Well, when you went down there with whom were you when you went down to make that visit?

A. I don't remember just who was on board the boat.

Q. Well, who was with you when you went through the building?

A. When I went through the building Dr. Harkins went through the greater portion of the building with me. Whether Mr. Galvin did or not I can't say.

Q. You may have heard from the testimony here of Mr. Brownell that shortly before — that is, at the end of August, 1891, shortly before you went down — that he, being then connected with the "Herald," had gone down and made an investigation of the island upon which he had ordered a report which was to appear in the "Sunday Herald." Do you remember that article which appeared in the "Sunday Herald?"

A. I don't remember it.

Q. And he testified that the Commissioners, or one of them — Dr. Jenks, I believe — had requested him to go down and make an investigation, and offered him practically whatever reasonable compensation he might ask. Did Dr. Jenks, when he requested you to go down, refer in any way to the request made of Mr. Brownell and his refusal?

A. I don't think he did. I don't remember.

Q. Did Dr. Jenks, when he requested you to go down, offer you compensation?

A. He did not.

Q. He simply asked you as a member of one of the other Boards of the city?

A. That was the understanding.

Q. Well, now, do you know Dr. Joseph I. McLaughlin or did you know Dr. McLaughlin, resident physician there before Dr. Harkins?

A. I know him very slightly. I am not quite sure whether I know him or not.

Q. You know his reputation?

A. Yes, I know him by reputation.

Q. Well, is it good?

A. Good as far as I know.

Q. Dr. McLaughlin, in one of the reports, speaking of the hospital at Rainsford Island which you also speak of, says, "Although the hospital has been thoroughly renovated there still remains the fact that it is entirely inadequate for the demands upon it."

Mr. PROCTOR. — What year was that?

Mr. BRANDEIS. — 1890.

Mr. PROCTOR. — Well, as to the year 1889?

Mr. BRANDEIS. — Yes, January 1, 1890.

Q. "In previous annual reports I have made earnest appeals to remedy existing conditions, and have shown the necessity of a new hospital." Do you, from your investigation which you made some time afterward, concur in Dr. McLaughlin's conclusion?

A. At that time the foundations of the new hospital, I think, were either completed or were in process of being laid.

Q. Well, you agree, then, in respect to the hospital, that as you then found it, it was not sufficient?

A. The hospital accommodations were crowded, of course. That is what I have said.

Q. But did you mean to say that it was sufficient?

A. I said that it was crowded, that it was not sufficient — that the hospital was crowded.

Q. Well, then, you would agree with the statement which Dr. Harkins made again and again, that the hospital accommodations proved inadequate for those desiring and requiring hospital treatment? You would think that that statement of Dr. Harkins was correct?

A. Well, I don't know as you could say again and again, because at times the hospital accommodations might be sufficient, and then there might be an influx of patients when they wouldn't be. Of course, there was need of a new hospital. That I should say most certainly.

Q. Now, in the medical societies with which you are connected you also know of Dr. Morton Prince?

A. Yes.

Q. And Dr. Putnam?

A. Yes.

Q. What is their standing?

A. It is good.

Q. Yes — and you know that they made an investigation in regard to the condition of these hospitals?

A. I do.

Q. And have you read their report?

A. I have.

Q. It is the report I referred to — the report here in June, 1892, the report of the visitors. In that report they recommended, with reference to the hospital, that there should be a covered wagon with springs for transporting the sick — an ambulance, in other words. Would you agree with that?

A. I should. There was an ambulance.

Q. When?

A. When I went down there.

Q. Well, these gentlemen made a report shortly afterwards that there was not.

A. Well, a covered carriage with springs for transporting the sick.

Q. Are you sure?

A. I have seen sick people who would go in the boat — I presume they were sick, I didn't examine them — they would use it.

Q. When?

A. I can't give you the date.

Q. When was it?

A. I say I can't give you the date.

Q. Well, how nearly can you give it?

A. Well, it is impossible for me to give the date, because I am very frequently down on the "Vigilant," and frequently run in at Long Island.

Q. You mean that they have such a wagon there now?

A. There is a wagon there with springs that can be used for transporting.

Q. Yes — now? I am referring to the time when there was not.

A. There was a wagon there with springs when I went down, in 1891.

Q. Are you sure?

A. Yes, I know I am, because I rode up in it.

Q. Well, how do you know? These gentlemen report that there wasn't any, and there was a report that there was one required.

A. I don't know anything about that report. I didn't write that report.

Q. Do you have in mind the omnibus as distinguished from an ambulance?

A. That can be used as an ambulance, is frequently used as an ambulance, and that is the wagon that I rode in.

Q. Yes — did the sick patients ride in it with you?

A. Not at that particular time, but I have seen them come down on the boat when I have been down on the "Vigilant."

Q. Well, you spoke of some woven-wire beds — mattresses, I suppose — in the hospital. Now, do you approve of having them?

A. I think they are the very best beds you can have in a hospital.

Q. Then you think Dr. Prince and Dr. Putnam were right when they recommended that they should have them, don't you?

A. I should, most certainly.

Q. And you would think, also, that there ought to be an ambulance? In that respect you would agree with them?

A. I should.

Q. And you would agree with them, also, that there ought to be more paid nurses than there were when you were down there?

A. That was my statement two years ago.

Q. Now, they also recommended a Board of Consulting Physicians, which Dr. Harkins had requested before?

A. Well, I don't see any possible good that a Board of Consulting Physicians would do, because the class of men who would be likely to serve on such a Board would not do any great amount of work, because the cases are essentially chronic cases, and they are not cases that a man interested in investigating disease is likely to study.

Q. Well, how do you account for Dr. Harkins requesting such a Board to be appointed?

A. I don't know. I can't account for what Dr. Harkins requests.

Q. You would think that if he, as resident physician, requested that such a Board be appointed, it would be a presumption that probably a man in that position, feeling isolated, would be right in asking for it?

A. Well, that is a matter of opinion. It is Dr. Harkins' opinion, and I have just given you mine.

Q. Well, you give yours from three hours' investigation, do you?

A. From three hours' investigation of that institution and from what I have known of consulting Boards in other institutions.

Q. You think in Tewksbury it is useless?

A. I don't think it does any particular good there, particularly as one member of the consulting Board has not been up there for seven years.

Q. Well, fortunately there are others who go more frequently.

Mr. PROCTOR. — There is no evidence of that.

Mr. BRANDEIS. — We are now taking evidence.

Q. Well, did you observe while down there, doctor, the condition of the facilities in the way of fire-escapes and the facilities for extinguishing fires?

A. I did not.

Q. Did you observe whether there were any screens put around the bath-tubs, — the women's bath-tubs, when you were down there?

A. Bath-tubs were in separate rooms.

Q. I don't mean now, recently — six weeks ago — but I mean this time in 1891?

A. I can't remember back there whether they were any or not. I think they were, at least there were on Long Island. I am not positive about Rainsford Island.

Q. If there weren't any you would approve of having them, wouldn't you?

A. I should.

Q. And if the plumbing was insufficient you would approve of having good plumbing?

A. I should, certainly.

Q. And you would be willing to rely then or now on the inspection of Mr. Brown, of your Board?

A. I don't think I should.

Q. Wouldn't?

A. No.

Q. What do you think is to be said about Mr. Brown?

A. I think I should rely upon my own inspection.

Q. Well, is Mr. Brown a reliable man?

A. He is a perfectly reliable man.

Q. What is his business?

A. Well, he is an inspector of the Board of Health now.

Q. Inspects for what purposes?

A. Drainage.

Q. Drainage?

A. Yes.

Q. And ordinary sanitation, I suppose?

A. Yes.

Q. Will, now, that is his sole business, is it?

A. Yes, that is all he does now. I presume, I don't know.

Q. Why do you say you wouldn't rely upon his report?

A. I said on general principles I wouldn't rely—I should want to investigate anything of that sort myself.

Q. Yes, and if he reported it insufficient you would—

A. I should satisfy myself that it was insufficient.

Q. That is, wouldn't trust him in any respect?

A. I should trust him—believe he would give his best opinion to the best of his knowledge and belief, but I should want to substantiate his opinion by an investigation of my own.

Q. Then what would be the use of his investigating?

A. What would be the use?

Q. Yes, the use of having him investigate?

A. Well, I don't anything about that. That is something that is an entirely different matter.

Q. You wouldn't advise the public, then, to rely upon Mr. Brown?

A. I am not speaking about what I should advise the public. I say personally in any question of drainage I should rely upon my own examination.

Q. Well, we ask you what we should rely upon—not asking your own opinion of what you would do in your own case, but what we should do in a general case, whether we should accept Mr. Brown's statement?

A. Well, you asked me first what I should do and I told you what I should do.

Q. Now, what should we do?

A. You can accept Mr. Brown's opinion.

Q. You think we should?

A. I think he is a perfectly competent and a perfectly reliable man.

Q. (By Mr. RILEY.) I want to ask you this, doctor, in regard to that report—have you knowledge that it never was received by the Board?

A. I know nothing about that at all.

Q. You haven't been so informed?

A. No, I have not.

Q. You said you tasted coffee at Rainsford Island, did you?

A. No, at Long Island.

Q. Well, I understand they don't serve coffee at Long Island. They serve tea and shells.

A. There was coffee in this room, one of the serving rooms of one of the wards.

Q. Well, did they tell you they were serving coffee to the patients?

A. I asked if that was the coffee used, I think.

Q. Yes. You said in reply to a question that there were no acute diseases there, did you?

A. No, I said very few.

Q. And then you added something about confinement diseases being so and so. Now, I would like to ask you, doctor, when you made the discovery that cases of confinement were cases of disease?

A. I didn't say so. I put in a proviso—unless you could speak of them as acute cases. They are an acute cases.

Q. I suppose they were, but not cases of disease.

A. Well, they have to be treated by physicians.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Doctor, I meant to ask you if you had been down to Rainsford Island this past summer?

A. I have been down there this last summer.

Q. And if you were here while the summer hospital was in operation?

A. I was down there two or three times.

Q. Did you visit the summer hospital?

A. I did.

Q. And I understand that that old white building was used for the purposes of a summer hospital?

A. It was.

Q. It was thoroughly renovated, painted, and whitewashed, as I understand it, and equipped. Now, what is your judgment as to the suitability of that place for that purpose?

A. It was eminently fitted for the summer hospital; no doubt saved the lives of a great many children.

Q. You have been asked as to the qualifications, ability, and standing of certain physicians. You have some acquaintance with Dr. Cogswell, I presume?

A. I have.

Q. The present superintendent at Long Island?

A. I have.

Q. How long have you known Dr. Cogswell?

A. Oh, perhaps fifteen years, twelve or fifteen years.

Q. And you have had some knowledge of his skill and ability as a physician, I presume?

A. Yes.

Q. Oh, I don't know as it is quite twelve or fifteen years. I have known him ever since he graduated, knew him about the time he graduated. I have known of him — it seems to me it was a longer time than that.

Q. What is your opinion as to his medical skill and ability?

A. I think that he is a physician eminently well qualified to practise.

Q. And what is his standing in the profession?

A. It is of the best.

Q. One other thing I believe I wanted to ask you about was the clothing of the inmates. Was your attention called to that in the Long Island institution the last time you were there?

A. When I was there I examined the clothing of the men. It seemed to be sufficient for that time of the year.

Q. And some criticism has been made of the garments that the women who were confined to their beds in the hospital wear. Did you make any examination of those or did you see any of those garments?

A. I saw some short night-dresses, that are used frequently in hospitals, and I also saw a certain number of white skirts.

Q. Well, now, in regard to the night-dresses; were they the proper kind of garments for that use?

A. Well, they are very frequently used in hospitals and are very, very convenient, particularly if a person has rheumatism or is unable to use her arm.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Doctor, this hospital that you speak of being down there wasn't a city institution, was it? — this hospital last summer?

A. No, it was a private hospital.

Q. Dr. Harold Ernst was in charge of it, wasn't he?

A. He was.

Q. And all that the city did was to offer to Dr. Harold Ernst facilities in the use of the building for carrying out his philanthropic purposes?

A. That is all -- and transportation, of course.

Q. And transportation to the island, that is all?

A. Yes.

REDIRECT EXAMINATION.

Q. (By Mr. REED.) Of course you understand, doctor, that this building was furnished by the city and put in order by the city?

A. Yes.

Q. And placed at the disposal of these people without cost?

A. Without any cost so far as I know. I had nothing to do with the management of the hospital.

Q. But the management of the hospital, the nursing, and all that, was supplied by subscription?

A. By subscription, yes.

This ended the doctor's examination.

Ald. Lee moved to adjourn. Lost.

Mr. REED was asked by the chairman if he had another witness to put on.

Mr. REED. — All I have to say in that matter is this, Mr. Chairman, that Dr. Ernst is coming here at the next hearing and I would like to use him when he comes, for his convenience. With that understanding, I am ready to put on Dr. Cogswell.

Mr. BRANDEIS. — I will agree that you may suspend the examination of Dr. Cogswell and put Dr. Ernst on at any time when he appears.

Mr. REED. — That is what I should ask, if Dr. Cogswell goes on the stand to-night, that I should have the privilege of withdrawing him when Dr. Ernst comes.

Mr. RILEY. — Yes, let us have him.

Mr. REED. — No, I don't think I will just now.

Mr. RILEY. — Why not put him on?

Mr. REED. — We will, when he gets ready.

The CHAIRMAN. — If this talk goes on the chance is that we will get no witness to-night.

Mr. REED. — Well, I don't think there is any reason why Dr. Cogswell should be rushed on the stand to please Brother Riley or Brother Brandeis, and I don't propose that it should be done. I have got up here to make a statement to the committee and to ask —

The CHAIRMAN. — The committee are waiting to hear it.

Mr. REED. — And I have been interrupted. But I think the committee practically understands my statement in regard to Dr. Ernst and that that thing is very satisfactorily settled. Now, there may be a long wait for Dr. Ernst and another physician, and I would like to have that same rule apply to him, if they come together.

Mr. BRANDEIS. — Who is the other?

Mr. REED. — That I may be allowed to follow one with the other or put them on when they are here. I intended to arrange the thing myself without asking any favors of the committee. If Dr. Ernst had stayed here to-night I should have done it. But as he is obliged to go away I cannot do it without asking the committee to allow me to put those two men on when they come.

Mr. RILEY. — We will agree to anything if you will only call Dr. Cogswell.

Mr. REED. — All right — it is agreed then, that Dr. Ernst and the other physician shall be put on when they come and that Dr. Cogswell shall be taken from the stand.

Ald. LEE. — Well, I would like to know who is agreeing to that?

Mr. REED. — Well, if it isn't agreed, let us have the matter settled one way or the other.

Ald. LEE. — This committee will have something to say.

Mr. PROCTOR. — Well, I understand counsel to agree not to oppose any such movement. That is one step in advance of anything we have had heretofore.

Ald. LEE. — The way we have been going, the counsel for both sides have been running the committee, witnesses, and everybody else, up to date.

Mr. REED. — Well, I am ready to put Dr. Cogswell on now with that understanding, that I may withdraw him when these other witnesses can be procured.

Ald. FOTTLER. — Mr. Chairman, I move that the witness be put on with that understanding — I move that the counsel have the privilege of putting Dr. Cogswell on with the understanding that if the two witnesses he refers to appear, he shall have the privilege of taking Dr. Cogswell off and putting these other two on.

Ald. LEE. — I want to be consistent in the vote on that, because I refused to allow Dr. Prescott to go on, and I will vote no.

The question was put, and the Chair being in doubt asked for a show of hands. Alderman Fottler's motion was carried.

CHARLES H. COGSWELL, M.D. — *Sworn.*

Q. (By Mr. REED.) What is your full name?

A. Charles Hale Cogswell.

Q. You are a physician, Dr. Cogswell?

A. I am.

Q. You are at present superintendent of the Home for Paupers at Long Island, are you not?

A. I am.

Q. Where were you educated?

A. I was educated in a small school in the city of Haverhill in my early youth, and I was educated in the public schools of the town of North Easton, graduated from the high school there, and entered Dartmouth College, graduated from Dartmouth College in 1880, entered the Harvard Medical School in the fall of that year, and graduated in the spring of 1883.

Q. After your graduation from the Harvard Medical school what further education or experience have you had as a physician?

A. I served a term as house officer in the Boston Lying-in Hospital, and then went into private practice. I was at one time connected with the out-patient department of the Massachusetts General Hospital.

Q. And where then did you go?

A. I was then appointed assistant port physician and stationed at Deer Island, which position I filled until October 1, 1887, when I was appointed port physician, and at the same time I was *ex-officio* assistant resident physician at the hospital of Deer Island. Well, when I was assistant port physician I was also one of the attending physicians in the hospital at Deer Island, — after 1885, I think, officially. Of course, previously to that time the assistant port physicians practised in the hospital there, but not through the city ordinance. I won't be sure as to the date, but I think that was when the assistants were put in officially as practising physicians there. Of course they took the place.

Q. Then you had the hospital experience at Deer Island?

A. Yes, sir.

Q. While you were in the Quarantine Department?

A. I did.

Q. And how long was that service there?

A. Well, as I say, from August 20, 1883, to March 20, 1893.

Q. And were there any other hospitals or were there any other medical work under your charge at that time besides Deer Island?

A. Of course I had charge of the hospitals at Gallop's Island — the Quarantine Hospital.

Q. At Gallop's Island?

A. At Gallop's Island. That was one of my duties as port physician.

Q. Well, then you had an experience of some ten years in the Quarantine Department?

A. I did.

Q. And how many of those ten were you at the head of the department?

A. From October 1, 1887, to March 20, 1893.

Q. And during that time was there any fear of the introduction of cholera into the city?

A. There was, on two different occasions.

Q. Was that during your charge of the department, or when you were assistant?

A. The first was when I was assistant. There was not such fear at that time. I believe that it didn't get as far as the British possessions at that time, the British Isles; but the second and the greatest was in the spring and summer of 1892, when I had charge of the department.

Q. And the measures that were taken to prevent the introduction of that plague were taken under your superintendence?

A. They were.

Q. Now, what other diseases, contagious diseases, was it your duty to guard against in that department?

A. Well, all contagious diseases — small-pox, diphtheria, yellow fever, measles, scarlet fever, and at a later period we took off typhoid fever, typhus fever.

Q. And during all these years of your service there you were making a study of all the diseases that you have named, and providing and carrying out remedies to prevent the introduction of any of those diseases?

A. I was.

Q. And during that time did you have any actual experience in the treatment of those diseases?

A. I did.

Q. The cholera never reached here, you said?

A. It never did.

Q. Now, what diseases in the time that you were there — what different cases were you active in the treatment of, in the Quarantine Department — of those serious diseases?

A. Small-pox, diphtheria, measles, scarlet fever, typhoid fever, and we did have one or two cases convalescing from yellow fever. We never had any cases of yellow fever, though, come in while I was there.

Q. You are, as I understand it, a descendant of a physician. Was your father a physician?

A. Yes, sir, he was.

Q. And were there other physicians in the family?

A. Well, my father was a physician and my grandfather was a physician and my great-grandfather was a physician.

Q. (By Mr. RILEY.) And you have inherited it?

A. Some don't seem to think so.

Q. (By Mr. REED.) The Alderman suggests that I ask this question — whether or not, during your term as port physician, any case of leprosy ever came under your charge or your observation?

A. There did.

Q. Will you tell us when that was?

A. I think it was in the fall or summer of 1888. I wouldn't be

exactly sure as to the date. It was either the fall of 1888 or the spring of 1889. I think it was in 1888. We had one case,—only had one case—a woman.

Q. That came in on a vessel?

A. Came in on a steamer.

Q. Well, where did you treat that case? What did you do?

A. Well, the case wasn't treated to any great extent. She was taken to Gallop's Island and quarantined there for, I think, two weeks—either one or two weeks. Then she was deported—sent her back.

Q. Are you a member of any medical societies?

A. I am a member of the Massachusetts Medical Society, that is all.

Q. Did you ever attend a meeting of that society?

A. I did. I had the pleasure last summer of hearing Dr. Fitz lecture, deliver the annual oration.

Q. Do you belong to the Suffolk Conference?

A. I do.

Q. Have you ever attended the meetings?

A. I have.

Q. Ever speak there?

A. I never did.

Q. You said that the Massachusetts Medical Society was the only society to which you belonged. I presume that the Suffolk Conference is a part of that?

A. The Suffolk district is a part of the Massachusetts Medical Society.

Q. The Suffolk Conference is a part of the Massachusetts Medical Society, is it?

A. Yes, sir.

Q. Now, doctor, I am going to ask you to begin your statement to the committee. Mrs. Lincoln appeared here at the first hearing with a statement which was presented to the committee, and I now ask you to present a statement.

Mr. BRANDEIS. — In writing?

Mr. REED. — He can present it as he sees fit.

Mr. BRANDEIS. — Perhaps he can and perhaps he can't.

Mr. REED. — That is very true—perhaps he can and perhaps he can't.

Ald. FOTTLER. — As I understand it, the committee voted not to adjourn a little while ago, with the understanding that they would adjourn at ten o'clock. Now, it seems to me as Dr. Cogswell is to begin a statement after these preliminary questions the statement might occupy perhaps an hour's time, and I move that we adjourn.

Mr. REED. — Well, is there any objection to his presenting a statement?

Mr. RILEY. — Yes. Let him give his testimony.

Mr. BRANDEIS. — Yes, but not a written statement.

Ald. FOTTLER. — I only made that motion because I heard that there was a statement, and thought, naturally, it would take quite a long time to present.

The CHAIRMAN. — Perhaps it would be well enough to hear what the counsel have to say in regard to this.

Mr. RILEY. — We will have no statements—only evidence. That is what I understand.

Mr. BRANDEIS. — I only want to know what is proposed. If Dr. Cogswell proposes to talk, he undoubtedly has the right to talk as a part of his testimony. If he proposes to read, I object to his reading anything.

Ald. LEE. — How about Mrs. Lincoln?

Mr. BRANDEIS. — It was requested that she should state in writing her charges, and she did it, at the request of Mr. Curtis.

Mr. CURTIS. — No, sir.

Mr. BRANDEIS. — Let us see.

Mr. CURTIS. — Yes, let me see. I will stand by the record.

Mr. RILEY. — Doctor, you prefer to answer questions, of course? He doesn't want carefully prepared statements made by counsel.

Mr. PROCTOR. — I would ask if counsel are to be held here while Brother Brandeis searches the records?

Mr. BRANDEIS. — It was requested that I should search the records.

Mr. PROCTOR. — You suggested that you could find something.

Mr. BRANDEIS. — I can. Mr. Curtis says —

Mr. CURTIS. — Where is this?

Mr. BRANDEIS. — This goes through a number of pages, and I didn't want to read it all, but on the 8th page, in the course of the discussion, Mr. Curtis requests statements in writing.

Mr. CURTIS. — I was speaking then of the charges — that that is the way to try a case, to have the charges in writing, and I say so now.

Mr. BRANDEIS. — Mrs. Lincoln said, "My charges are specific, and are in writing," and Mr. Curtis said, "I am glad to know that that is the case in regard to at least one of the institutions, that Mrs. Lincoln has prepared her charges in writing, and is ready to submit them to the committee. I expected that Mrs. Lincoln would come prepared, and I am glad she has." Then the chairman asked, "Do the charges cover more than one institution?" I said, "Mrs. Lincoln proposes to confine her remarks and evidence to the pauper institutions," — to "Long Island." When Mr. Curtis said, "Now, Mr. Chairman and gentlemen, I understand that in regard to Long Island we are to have specifications in writing, and that the counsel will have an opportunity to examine those specifications and see what they have to meet," and in pursuance of that Mrs. Lincoln did make her statement in writing and presented it as requested by Mr. Curtis.

The CHAIRMAN. — Have you any argument to make to the committee? If so we will hear it.

Mr. BRANDEIS. — I say, Mr. Chairman, that we have in this case endeavored as far as possible to assimilate the practice to that which prevails in court.

Mr. PROCTOR. — Oh, pardon me while I laugh. That is a joke.

Mr. BRANDEIS. — Especially under the insistence of Brothers Proctor and Curtis, and to permit the most important witness in this case to come here and present a written statement instead of presenting himself for examination as a witness, as he would in an ordinary examination in court, is something that is obviously improper and should not be permitted. It can only be done for the purpose —

Mr. PROCTOR. — You don't mean to say, Brother Brandeis, that you object to Dr. Cogswell's making any sort of a defence that he can?

Mr. BRANDEIS. — I don't think that Dr. Cogswell can make much of a defence if he sticks to the facts, but I think Dr. Cogswell can if he is allowed to make any statement he pleases to present a story which reads very well to a man who hasn't the opportunity of cross-examination.

Mr. REED. — You will have an opportunity.

Mr. BRANDEIS. — I say if any statement is admitted here in writing, that statement is offered for one purpose only — not for the purpose of influencing these gentlemen here or any person who is here and who hears the evidence or hears Dr. Cogswell's cross-examination, but that it is put in that it may then go into the newspapers, as my Brother Riley suggested, with the payment of proper compensation, and that that story may thus go to the world. That is the reason why I object to anything being written and presented here in this way, because it is opposed to everything reasonable and everything common and according to established procedure in proceedings of this sort. We have had one written statement. We had that written statement from Brother Reed, which

has gone into the papers, and that is quite enough. The witness has a perfect right to make his statement here, but he should not read it just as a minister reads his sermon. He is a witness here and should testify and answer questions, and is not supposed to come here and read statements to the committee.

Mr. CURTIS. — Now, Mr. Chairman, there is no need of anybody getting excited or angry. It does not do any good. When I first came here I made a statement as to the proper way to proceed, taking the ground that the charges should be presented in writing, the same as in any other investigation ever held in City Hall. If that had been done we should have known what we had to meet and the case would have been tried and finished long ago. Those were the remarks I made, that my brother Brandeis has quoted back at me, and I did suppose that Mrs. Lincoln was going to present charges in writing. Consequently I made no objection when the lady appeared here and started as follows: "Gentlemen, you have summoned me to appear before you as a witness, and I am told I am at liberty to put my testimony in writing." She called it "testimony." Those are her own words. Now, all we ask is to have the same rights that were accorded the prosecution. Her statement, prepared in writing and which she herself called "testimony," appeared in the "Evening Transcript" of the day she read it, before it was read here. I don't blame her for that and offer no objection to that, but I say that those charges were so minute and varied that the only way to do is to meet it as she gave it. There is a ruling which I can turn to where Chairman Hallstram stated that the defence would have the same rights accorded to it as the prosecution. Now, I have no reason to think that we will not have those rights. It is a matter of little importance to us whether Dr. Cogswell reads that or whether we read the whole thing in form of a question. There is no need of getting angry or shouting or talking to the galleries. Let us talk sense.

Mr. BRANDEIS. — To show, Mr. Curtis, that you did not consider that testimony, but charges, read your own statement on page 18.

Mr. PROCTOR. — You have considered it testimony and have called it such.

Mr. CURTIS. — The lady appeared here and we were talking about an entirely different question. We were talking about trying this case on charges at that time, and when this lady started she said, "You have summoned me to appear before you as a witness, and I am told that I am at liberty to put my testimony in writing." Now, gentlemen, remember that she called it testimony herself. She read that statement in writing, and we cross-examined her afterwards, and I will say now to my Brother Brandeis that even Dr. Cogswell has made his statement I have no doubt the same privilege will be accorded to him in that respect that was accorded to us. He can cross-examine the witness. We will treat Brother Brandeis just as fairly as we have been treated, and we expect the same treatment that he has had. That is all we ask.

Mr. BRANDEIS. — Now, Mr. Curtis, will you read what you said in regard to that on page 18, after it was over?

Mr. CURTIS. — I would also like to say this in passing, that after Mrs. Lincoln had made this statement in writing Mr. Brandeis proceeded and opened the case.

Mr. BRANDEIS. — Yes, because I considered them specifications and charges.

Mr. CURTIS. — Well, I never knew why you did it and never have been able to find out until now. Now, let us follow out that same analogy. After she had read her statement and we had cross-examined her, he then opened the case. I never heard of it being done before in that way, and I have opened some cases. But assuming that he claims that — she filed her charges here and now Dr. Cogswell files an

answer to the charges. Mr. Brandeis has made his opening statement and Mr. Reed has made his, and I suppose we are on an equal footing. I suppose that this is no time for arguing. I assume that the committee will treat us fairly and I am not going to say anything more.

Ald. LOMASNEY. — The counsel seems to think that the whole thing hinges on Mrs. Lincoln. Now, McCaffrey was on the stand a great deal longer than Mrs. Lincoln, and he had nothing written down.

Mr. PROCTOR. — He couldn't put his in writing.

Ald. LOMASNEY. — I don't know what anybody could do, but certainly the only person who did put anything in writing was Mrs. Lincoln, and I remember distinctly that certain people started to read documents, and it was objected to on the ground that an original document was required. Several people started to read in the course of evidence and it was distinctly objected to on the ground that that was not the proper way to do it. Now, I see no reason why it should be allowed now.

Mr. PROCTOR. — This is an original document.

Mr. CURTIS. — I find that in commencing a statement I did call it "testimony;" that I have referred to it in both ways here.

Mr. RILEY. — You were not quite —

Mr. CURTIS. — I beg pardon, if you please. I am willing to argue against both of the gentlemen, of course. I think I able to. I find that on page 18 I did use the word "charges," and later on, farther down on the same page, I stated as follows: "If other witnesses are to take the stand I might just as well cross-examine every witness to-day as to lay the question of Mrs. Lincoln's testimony over to the following day." So I used the word "charges," and I used the word "testimony." She, herself, called it testimony. As I have said it is the fact, and I don't think the lady or anybody else will contradict it, that she did read her testimony. There was no objection to it on our part; we raised none, and it appeared that night in the "Transcript." Nobody will deny that. I have it at the office in a scrap book; and I don't think Mr. and Mrs. Lincoln will object to Dr. Cogswell having the same opportunity.

Mr. LINCOLN. — I should, most decidedly.

Mr. CURTIS. — Very well, Mr. Lincoln does object. Now, the charges cover a long period of time and go into minute details, and what the committee are after is an answer to them. It seems only fair and just that we should have the same rights that have been accorded to the other side. They certainly can have no fear. They can have this and can cross-examine Dr. Cogswell upon it, the same as I have Mrs. Lincoln. They can get it from the stenographer and can cross-examine the doctor upon it, or I will give them a copy in typewriting.

Mr. RILEY. — Mr. Chairman —

Ald. LEE. — Is there any time limit on this?

Mr. RILEY. — I will not be long. If Mr. Curtis' memory is so bad now when he is young I wonder what it will be by and by, when he grows older?

Mr. CURTIS. — Worse.

Mr. RILEY. — Now, this is what he said, and it is in cold print.

Mr. CURTIS. — What page, please, Mr. Riley?

Mr. RILEY. — Page 18.

Mr. CURTIS. — Yes, I have just referred to that.

Mr. RILEY. — I wish to quote your exact language.

Mr. CURTIS. — Read it.

Mr. RILEY. — Listen: "I understood that the witness at that time was not testifying, but that she did read charges that she proposed to make against the management of the institutions at Long Island, which charges were to be the basis of the hearing on Long Island." There is Mr. Curtis' positive assertion that he understood she was not giving testimony, but reading charges. Now, then, in regard to the attempt to foist upon this committee a written statement, undoubtedly the joint

production of the witness and the counsel who appear upon the other side, a thing they have brooded over for about eight months, it would be absurd to allow anything of the kind. Incidentally there came into this investigation one statement of Dr. Cogswell's, made in reply to the visitors, and I think you will agree with me that a more impudent and more insolent statement has rarely been put in cold type in the English language by any paid official of this or any other city. What is the purpose of bringing anybody upon the stand to testify under oath and to hand to him a statement which the witness and his counsel and others have prepared? Is that the purpose of putting a witness on the stand or is it to answer questions that are propounded to him? Any man fit to be outside an insane asylum knows that the purpose of putting the witness upon the stand is to have him listen to questions and then answer them by word of mouth, unless he is a dummy.

Ald. LEE.—What is the ruling of the Chair?

Mr. CURTIS.—I would like to read one thing more and I am done.

Mr. RILEY.—There seems to be nothing on your side but reading.

Mr. CURTIS.—That doesn't bother me at all. I am going to read the chairman's ruling, but I desire to preface that by remarking that there is no evidence that the counsel have prepared that statement and Dr. Cogswell will be on the stand under oath and I will or Mr. Reed will ask him the question whether or not he prepared it. It is no use for me to deny preparing it, because I am not under oath. Now, what the chairman said, I suppose, is authority, and the chairman's ruling was as follows: "I don't see why you (that is, myself) should ask this committee to delay the hearing of any other witnesses simply on account of this one witness (referring to Mrs. Lincoln). I take the ground that the witness who has just testified"—so he he calls it—"has testified quite at length, and it would take, perhaps, some little study to find out upon what points you would wish to cross-examine her; but I don't see why you should delay, or ask the committee to delay, the calling of any other witness." The Chair called it "testifying." I don't know what it was.

Mr. PROCTOR.—This statement of Dr. Cogswell's, it is perfectly plain, must be either true or false. If it is true this committee wants it; if it is false you cannot get my brother Riley or my brother Brandeis to admit or acknowledge that they could not detect him in it. Therefore there can be no possible prejudice to anybody by his reading the statement, and that seems to be so obvious a fact that he ought to be allowed to do it.

Mr. RILEY.—Oh, no.

Ald. LEE.—I move that we adjourn, Mr. Chairman.

(The hearing was adjourned at 10.12 o'clock P.M. to Tuesday, November 27, at 4 o'clock P.M.)

FORTY-SIXTH HEARING.

TUESDAY, November 27, 1894.

The hearings were resumed in the Aldermanic Chamber, Alderman HALLSTRAM presiding.

The CHAIRMAN. — The committee will please come to order.

(At the request of Mr. Reed, Dr. Charles H. Cogswell took the stand.)

Mr. REED. — Are you ready to make your statement, doctor?

Dr. COGSWELL. — I am.

Mr. REED. — Proceed then.

Mr. RILEY. — What is that?

Mr. REED. — I asked the doctor to proceed with his statement.

Mr. RILEY. — Oh, no.

Mr. REED. — That is what I thought you would say.

Mr. RILEY. — Doctor, I would put that in my pocket if I were you.

Dr. COGSWELL. — I will when I am told by the chairman to do so. (Commencing to read;)

“ Mr. CHAIRMAN. — ”

Mr. RILEY. — Oh, no, no; you are not going to read that.

The CHAIRMAN. — What is this statement that you are about to read, doctor?

Dr. COGSWELL. — It is a statement of facts and figures that I have put together to get as near as I can to throwing a little light on the “ dark spot down there.” It is composed of statistics and facts and some few statements that I wish to make to the committee in my own behalf, and against some things that have been said about me in relation to the institution, and some facts in regard to the institution itself. I thought it would be the shortest way to get in the same amount of testimony, and that it would take less time to present it in this form; and I understood at the beginning that I was to be allowed to do so. That was the understanding with which the first testimony was put in here. It was written, and I understood the chairman to say that I should be allowed to do the same thing.

The CHAIRMAN. — Is this statement which you have prepared in answer to certain other statements which have been made during the course of this investigation?

Dr. COGSWELL. — Yes, sir, it is.

The CHAIRMAN. — And this statement contains nothing outside of that line of inquiry?

Dr. COGSWELL. — No, sir, it does not. It deals directly with the things that have been said here, and that is all.

Mr. RILEY. — The best way is by sworn oral testimony. That is the way we are dealing with things in this investigation.

The CHAIRMAN. — The Chair understands that if he reads a statement he includes it as a part of his sworn testimony.

Mr. RILEY. — No, sir.

Mr. PROCTOR. — Oh, yes; there is no question about that.

Mr. RILEY. — Well, we will make considerable question about it.

Mr. CURTIS. — Well, go ahead, then.

Mr. RILEY. — Mr. Chairman —

The CHAIRMAN. — Mr. Riley, the Chair thinks that this matter has been argued on both sides at the last meeting, and that it remains for the committee now to say whether Dr. Cogswell shall be permitted to read the statement or not.

Mr. RILEY. — I suppose the last meeting was terminated somewhat abruptly, and I presume that the committee do not want to proceed, of course, in darkness. We propose that the defence shall be conducted just as our side has been conducted — by calling witnesses and putting questions to them orally and receiving answers orally. Now, if you noticed one of Saturday's newspapers, the "Herald," it undoubtedly calls to your mind very vividly the tactics the defence is pursuing. They put a witness on the stand, then Dr. McCollom, and they asked him to read a written statement prepared some two or three years ago. I said to you then, in objection, that you ought not to allow it. In the first place, written statements do not constitute testimony. If this case is to be tried upon statements, you don't want any witnesses at all here. All anybody has to do who is interested or thinks he is in the investigation, is to write out, or get some lawyer to write out, a statement, and send it to you, and then, when you get all the statements together you can retire to your room and read them and make up your report. That is not the way this investigation has gone on. You remember some months ago one of our witnesses attempted to read a statement, and upon an objection from the other side you prevented him from doing so, and so he went on and gave his testimony orally. Now, in reference to Dr. McCollom's statement, I said then in objecting that it was a statement wholly unauthorized by the Commissioners, although he thought he had been sent down to the island by them. I said then — and they are here now and can easily contradict me if I am wrong — that when he made — why not call things by their right names? — when he made that whitewashing report, it so incensed the Commissioners that two of them voted not to receive it, and so it was rejected. That statement was then pigeon-holed by the doctor or somebody, and was produced here the other night. After pointing out to you the absurdity of receiving it in evidence, I took occasion to say that I knew the purpose for which they presented it; that it was for the purpose of getting it into the newspapers, even if they had to pay so much a line for it — and my prediction was verified on Saturday morning, for there you have it in black and white. (Laying a copy of last Saturday's "Herald" on the chairman's desk.) Now, the lawyers on the other side, three of

them, have got together and been consulting with Dr. Cogswell and have undoubtedly told him, "Doctor, your case is as black and as bad as it can be, and nothing you can say or do when you get up there can hide the truth; and therefore there is only one thing for you to do — to sit down with us and let us prepare a whitewashing statement; and as soon as we get that worded so as to suit you, so as to cover your case, so as to cover up whatever abuses are charged against you, and to suit us, we will present it to the committee and insist that it be received; and as soon as we get the committee to receive it, it will be printed word for word, line for line, without even the omission of a punctuation mark in the newspaper, and everybody will read it, and that will be your defence." Is that the way to treat an investigation of this kind? Why, as full-grown men, don't you realize that there is only one way to discover the truth? It is not by reading compositions by the superintendent of Long Island or anybody else. It is by watching the witnesses as they come here, and listening to what is said, and watching the play of features of the witness as he says it; and then you, perhaps, can get the key to the truth, detect the falsehood, eliminate it from your memory, and cling to what is true. It has remained in my mind ever since Mr. Proctor said the other night in response to an objection by me: "No matter how much you object, we are going to get that statement in, line for line, and word for word." I wondered then, and I have wondered more since, by what authority he made that statement, or if he had had any understanding with you or with any of your fellows, or with all of your fellows, that it should go in. He seemed to speak with authority behind him. I won't quote his common, street phrase — I won't say he was trying to bluff you; but I think he was attempting to laud it over you. Now, gentlemen, don't allow this investigation at this day, at this late hour, to become a farce. They have a man here, not a poor man, not an uneducated man, but a man the product of our schools and colleges, — for he himself said the other night that he began his education at a plain country school near the town of Haverhill — a man many years in professional life, knowing as well as any man can the difference between right and wrong, knowing how to express himself orally as well as in writing; and are you going to indulge in this kind of child's play on the mere suggestion of counsel that this man should be allowed to present his testimony by way of a statement which he and they have prepared, because they cannot trust him? They cannot trust the opening of his lips to tell the truth, or to tell you what the facts are. Of course, the thing is absurd, and I am almost ashamed of myself for taking so much time in objecting to it; and I am still more ashamed of the full-grown men on the other side, unless they have something even more terrible than we think to conceal — I am still ashamed of their conduct in attempting to impose a document like that, or a document at all, upon this committee when they have the witness, full-grown and alive, before the committee, able and capable of speaking for himself.

Mr. REED.— Mr. Chairman, I do not propose to take up the

time of the committee in answering the unfounded insinuations of Brother Riley in regard to the counsel on this side or in regard to the defence. I will simply call attention to the printed proceedings, and then leave the matter in your hands. I will say first, however, that neither the defence nor the counsel for the defence are responsible for the course the proceedings have taken here. It was not the suggestion of anybody in any way connected with the defence that anything in writing should be presented here. Neither do the counsel for the defence assume that Mrs. Lincoln was afraid or that her counsel was afraid to trust her here without a written statement; but the fact remains that at the first hearing Mrs. Lincoln appeared here and opened her testimony with this remark: "You have summoned me to appear before you as a witness, and I am told that I am at liberty to put my testimony in writing." Then she proceeded to read her testimony. No objection was raised by anybody, and that was the way this investigation began. In that written testimony which she read here were certain charges against Dr. Cogswell. Now Dr. Cogswell appears here to reply to those charges. He presents his reply in writing; and he asks for the privilege which was granted to Mrs. Lincoln of reading that reply. He does that because after the testimony of Mrs. Lincoln the Chair stated that the defence, when ready to put in their testimony, will be granted the opportunity to put in all that they choose and at whatever times they choose. Now, we simply ask for the same treatment that was granted to the other side—that is all.

MR. BRANDEIS. — Mr. Chairman, after the very clear and forcible statement by Mr. Riley of the reasons against permitting that written statement prepared by this witness to be read here, it is hardly necessary for me to go into a detailed statement of the subject, because it is obviously a departure from all known methods of examining witnesses and hearing cases. It gives the witness an opportunity not only to state what he will, but to argue the case as he states it; and that, undoubtedly, he has done. It is suggested that this course is to be pursued because Mrs. Lincoln, at the opening, read a short statement setting forth certain charges against the institution. That statement was not read by Mrs. Lincoln until counsel for the Commissioners had called for a written statement. You will see by examining the proceedings that I objected to any requirement that charges should be in writing; but Mrs. Lincoln stated that her charges were in writing, and thereupon Mr. Curtis stated on behalf of his clients that he was very glad to hear it and that he desired them read. That is all the written statements that have gone in from our side. Now, after Mrs. Lincoln read her charges, she was examined as a witness and cross-examined; and then followed a long line of witnesses who made charges, many of which were entirely different from and had not in any way been suggested by Mrs. Lincoln. Mr. McCaffrey, Dr. Parker, and the various witnesses who came and testified here, testified to things that were perfectly distinct from anything that Mrs. Lincoln had said, or anything that Mrs. Lincoln knew about. Now, the answer which Dr. Cogswell has

prepared so carefully, I dare say is not confined to specific charges, not confined to that which was in writing, but that it answers that which was in writing, and answers, or undertakes to answer, also, that which has been testified to by one witness after another. That is the condition of the case as you find it today. Mrs. Lincoln stated charges, and she stated them in writing in pursuance of Mrs. Curtis' request. All the other witnesses desired, and, of course, would have been compelled, to testify orally. Now, this change is proposed — this change in the method of procedure, which cannot be, I say, for a legitimate purpose. It must be desired for some purpose other than to aid you in getting at the truth and the facts now under investigation, because, as Mr. Reed says, if you don't allow it to be read, he will have the paper in his hands and will ask questions which will enable the doctor to answer from it. The doctor apparently has a great deal of matter there and Mr. Reed will probably want a paper to aid him in asking the questions; and that is the proper way, and the only way, in which he should be allowed to proceed here. If the doctor is going to read any prepared statement, or to do anything other than that, we should be allowed to put in a statement at the same time. Even when it came to the final report, which was at the request of the Board, asked for from the visitors, you declined to allow that final report to go in without the answer to it. Why let this statement go in alone? I say that it will not aid you in getting at the truth. It will only aid in allowing facts to be misrepresented and to get them before you and before the public in a way which will conceal the truth.

MR. REED. — Will you pardon me a single word, Mr. Chairman. Perhaps the remarks of Brother Brandeis and Brother Riley may create a false impression. It is not the fact that when Dr. Cogswell finishes reading his statement which he has prepared in reply to charges that have been made against him, that his direct testimony will stop. I propose to ask him a great many questions, just as Brother Brandeis asked Mrs. Lincoln a great many questions before she was cross-examined; and then he can be cross-examined by the counsel on the other side. That is exactly in line with the course already followed by this committee.

MR. BRANDEIS. — That matter of Mrs. Lincoln's written statement is constantly being referred to, and I should like to ask the committee to consider again the statement by Mr. Curtis on page 18: "I understood that the witness at that time was not testifying, but that she did read charges that she proposed to make against the management of the institution at Long Island, which charges were to be the basis of the hearing on Long Island."

MR. RILEY. — If you will get the testimony of the witness White, Mr. Chairman, you will see that you excluded his statement — would not allow him to hold it when he was testifying.

MR. BRANDEIS. — You remember, also, that you would not allow the witness Brownell to give his own statement as to the condition of things in 1891. Under the objections of counsel, it was excluded, and he was obliged to give his oral testimony.

THE CHAIRMAN. — The purpose of the committee is to ascertain

all the facts in connection with the management of the institution, and it is not the intention of the committee to do anything which would rule out any of those facts or any knowledge. The Chair labors under some doubt as to the advisability of the witness reading the statement, from the fact that the Chair is unable to know what is in that statement; but the Chair would rule that the witness shall have the opportunity of reading the statement, providing that it all bears upon the subject under investigation.

Mr. REED. — That is all we ask. That is all that is contended for by this side.

Ald. LOMASNEY. — Mr. Chairman, I don't like to appeal from the decision of the Chair, but there is one thing that I want to call your attention to. That is that in this case there was some testimony as to a hearing held in the Board of Commissioners' office several years ago on some charges made by Mrs. Lincoln. There was a great deal of objection to allowing those documents to be produced until the answer to the charges were also seen by the committee. We then went into executive session; the charges were seen, and the answer to the charges; and the answer never has been made public. There is another matter, too, that I think we ought to consider, and that is that during the course of the prosecution on this matter, if we can call it such, Mr. Brandeis asked Dr. Cogswell to take the stand. They called him as a witness; and under the instructions of his counsel he declined to become a witness, and they stated that at the proper time and in the proper manner he would become a witness. Now, then, there can be only one purpose in that, as it appears now, and that was to do something that they have done. I certainly have faith in the intelligence and knowledge of Dr. Cogswell. I believe that he is competent to stand up here and tell the truth, and tell it without having a written statement in front of him. After his counsel who represent him say that they can examine him from the document, I cannot see what we are going to lose by allowing that thing to be done; and consequently, I want to be consistent and vote this time, as I think I have once before, against allowing this statement to come in in this way; and I want to be recorded as against that decision.

The CHAIRMAN. — The clerk will make that record. Go on, Mr. witness.

Mr. RILEY. — Will you let me see that statement, Mr. Chairman, before anybody reads it or anybody uses it? If you will turn to the testimony of Mr. White there you will see what your ruling was — that you would not allow him to use the paper. Now, we demand that paper, in order that we may go over it carefully and find what is in it. There is no doubt that being in accordance with the rules of procedure, and that rule is based on common sense.

The CHAIRMAN. — You may go on, Mr. Witness.

Mr. RILEY. — Do you rule that he shall read it before I am allowed to look at it at all?

The CHAIRMAN. — Mr. Witness, will you allow the counsel to look at that paper a minute before you read it?

Mr. REED. — No; don't give it to him just yet. Wait a minute.

Mr. RILEY. — Oh! Then there is guilt here, is there?

Mr. PROCTOR. — Oh, no.

(The witness offered to let Mr. Riley see the paper, but would not let it go out of his hands.)

Mr. RILEY. — No, no; I desire to look at this paper and see what is in it.

Mr. PROCTOR. — Have you any matches with you?

Mr. RILEY. — What?

Mr. PROCTOR. — Have you any matches with you? We will give it to you when it is read in.

Mr. REED. — Mr. Chairman, I would like to ask if the counsel is to be allowed to take that paper and keep it for an indefinite time?

The CHAIRMAN. — The Chair does not so understand it.

Mr. REED. — I think the proper time to pass that paper to Mr. Riley is after the witness has read it. I do not wish to be capacious about the matter, but I do not see why Brother Riley should take a paper from the witness and take it to his table; and I certainly object to any such proceeding.

Mr. RILEY. — I do not wonder you do.

Mr. REED. — After he is through reading the paper, then he can pass it to him if he desires to have it. It don't seem to me that Mr. Riley has any right to take that now.

Ald. — LOMASNEY. Mr. Chairman, when we started into this investigation, wasn't it agreed that the counsel were to see all papers? Didn't the other side see the letter from Bridgewater Almshouse?

Mr. REED. — Mrs. Lincoln's statement was not handed to us until after she read it. After she read it it was handed to us, as it should be.

Mr. RILEY. — Now, will you obey the committee, Mr. Witness.

The CHAIRMAN. — The witness may show the paper to Mr. Riley so that he may identify it when he comes to peruse it afterwards.

Mr. RILEY. — No, no; let me have the paper, if you please.

Mr. REED. — It is not right for the witness to allow the paper to go out of his hands just to satisfy Mr. Riley. He can look at the paper without that.

Mr. RILEY. — Oh, no, I cannot look at it in that way.

The CHAIRMAN. — The witness may proceed.

Ald. LOMASNEY. — Now, Mr. Chairman, I think this matter should be conducted in some decent sort of way, and certainly —

Mr. PROCTOR. — We do, too.

Ald. LOMASNEY. — And certainly we should not depart from the usual practice followed in this investigation. There has been no evidence introduced here on either side but what, when the counsel on the other side requested that it should be shown to them, that they have not had it handed to them in a respectful manner and had all the time necessary to peruse it, and it certainly seems to me this is an entirely improper proceeding. I am only gratified that I went on record in the first place against allowing the evidence

to be introduced in this form; and before the witness is allowed to proceed in this matter I propose to make a motion, Mr. Chairman, that the doctor be requested to permit the counsel who represent the people here in this matter to look at that document; and upon that motion I ask for the yeas and nays.

Mr. REED. — Mr. Chairman, I only want to say this —

The CHAIRMAN. — There is a motion before the house. Alderman Lomasney makes a motion that before the committee allow the witness to read his statement it be tendered to the counsel on the other side, that they may peruse it. Is that the sense of your motion?

Ald. LOMASNEY. — That they may examine it, sir.

The CHAIRMAN. — That it shall be tendered to the counsel, that they may examine it.

Ald. FOLSOM. — Mr. Chairman, as one member of this committee I desire to see only fair play on both sides. From a legal standpoint, I am not prepared to argue whether it is a proper course or not, but it seems to me, Mr. Chairman, that this witness comes here charged with a great many serious faults in his conduct as an officer of the institution. It seems to me only proper that he, not being able, perhaps, to answer all those charges from memory, should be allowed to read his answer. Then, it seems to me, that the counsel on the other side have ample opportunity to cross-examine him. I do not believe they want anything but what is fair play. It seems to me, looking at it from that standpoint, that this is only fair, in order to give both sides fair play. From a legal standpoint I am not prepared to say whether it is proper or not; but looking at it from a common-sense standpoint, it seems to me no more than fair that he should be allowed to read it. They will then have an opportunity to cross-examine him, and if his statement is not made from facts, it seems to me very easy for them to find that out afterwards.

The CHAIRMAN. — You have heard the motion made by Alderman Lomasney. All in favor of that motion will, when their names are called, so signify by saying "Aye," and those opposed will say "Nay."

Ald. FOLSOM. — Mr. Chairman, I would like to ask before that vote is taken just how it will stand — just what the vote is to be. Is it that the counsel for the other side are to take the paper and have a chance to go through it?

Mr. RILEY. — Look at it.

Ald. FOLSOM. — That is, to read the whole of it?

Mr. RILEY. — To see what is in it.

Mr. REED. — Mr. Chairman, when I wanted to make some remarks a few moments ago I was told to keep quiet. I hope Mr. Riley will be kept quiet, too.

Mr. RILEY. — You will find it hard to keep me quiet.

Ald. LOMASNEY. — Mr. Chairman, I certainly thought the gentleman did not understand my motion when he made the remarks he did; because while he talks on the question, looking at it from one side he should always remember that there are two sides. The counsel who represent the people here should see the

document, to be sure that there is nothing in this document that should not come before this committee properly. The counsel on the other side have seen all the papers introduced, and they should have the same privilege. I don't suppose they are going to burn it or hold it for two or three hours.

The CHAIRMAN. — The clerk will call the roll.

Ald. LEE. (who has just come in). — What is the question, Mr. Chairman?

The CHAIRMAN. — The question is on allowing the counsel, Messrs. Riley and Brandeis, to see the statement prepared by Dr. Cogswell before the witness reads it.

Mr. RILEY. — I want to see the paper before he uses it.

Ald. LEE. — What do you mean?

Mr. RILEY. — To look at it.

Ald. LEE. — How long a time is it going to occupy, Mr Chairman?

Mr. RILEY. — Only a few minutes. It won't delay you at all.

The clerk called the roll, and the motion was carried — yeas, 5; nays, 2.

Yeas. — Ald. Hallstram, Lee, Lomasney, Sanford, Witt — 5.

Nays. — Ald. Folsom, Presho — 2.

(Dr. Cogswell handed the statement to Mr. Riley, who walked back to his table. Dr. Cogswell also walked over near the table.)

Mr. RILEY. — (To Dr. Cogswell.) You cannot be present. We don't want you here.

(Messrs. Reed, Curtis, and Proctor also walked over to the side of the chairman's desk on which Mr. Riley was.)

Ald. WITT. — Mr. chairman, I would not have voted to allow them to examine that paper if I had supposed it was to make a quarrel here.

Mr. RILEY. — Let them keep to the other side of the house.

Ald. WITT. — I think the business of the Board of Aldermen is not conducted on legal points, but that it is conducted on the basis of common sense; and I hope this hearing will be conducted the same way.

Mr. RILEY. — I won't allow them to be here. Get them over to the other side of the house. You must get over there. I don't wonder that you act as you do. Guilt always does it. Mr. Chairman, will you get these people over to the other side of the room.

(While Mr. Riley was talking, Mr. Brandeis and several members of the committee were consulting together.)

Ald. PRESCHO. — Mr. Chairman, I move that this discussion be carried on so that all the committee can hear it.

The CHAIRMAN. — The committee will take a recess for ten minutes.

Mr. RILEY. — Now, Mr. Brandeis, we will go over this privately (walking over to the corner of the room with the paper.)

Mr. CURTIS. — That is the worst I ever saw. Has this committee adjourned, Mr. Chairman?

The CHAIRMAN. — This committee has not adjourned. It has taken a recess of ten minutes.

Mr. CURTIS. — I don't suppose, Mr. Chairman, that you want this to come down to a case of personal controversy. I never heard of papers belonging to one side being allowed to be carried off by the other. If you do not propose to protect our rights, I give you fair notice now that we propose to go wherever those papers go, notwithstanding Mr. Brandeis, Mr. Riley, or any one else; and if you wish to preserve the dignity of the Board of Aldermen and prevent a scene you will preserve our rights and get those papers.

Mr. PROCTOR. — The position, Mr. Chairman, is this: The prosecution take the position that any of our witnesses before they can be examined are to be taken aside by Brother Brandeis and Riley to be examined by them, to see whether or not their testimony is of such a character as suits the prosecution. That is the position. That is what the committee here have voted. We have offered testimony — nothing more than that — and the committee allows the other side to have it. I want to put myself on record in regard to that.

The CHAIRMAN. — Will Mr. Riley please hand that to the Chair?

Mr. RILEY. — (Handing paper to the Chairman.) We have not looked at it yet. Those gentlemen were bad-mannered enough to come over and interrupt us.

The CHAIRMAN. — The committee will please come to order. The Chair will state that he has in his possession a statement by Dr. Cogswell which it is proposed shall be read, and which the committee has just voted that the counsel shall see. Now, it is for the committee to further instruct the Chair whether or not the witness shall be present while the counsel examine these papers or not. It seems to the Chair that this matter might be better adjusted if the committee were to go into executive session and consider it.

Ald. SANFORD. — Mr. Chairman, I move you that this committee go into executive session at once.

The motion was carried, and the committee, at 5.02 P.M., went into executive session.

The members of the committee reassembled in the Aldermanic Chamber and were called to order at 5.55 P.M.

The CHAIRMAN. — Dr. Cogswell, you may read your statement. Dr. Charles H. Cogswell read the following statement:

STATEMENT BY DR. CHARLES H. COGSWELL.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I have come here to-day to answer as intelligently as I can all questions relative to the institution at Long Island since March 20, 1893, when I assumed charge. Before being questioned, however, I should like to make a few statements, and incidentally correct a few misstatements. Had I the facile pen and vivid imagination of some I might carry you along in an entertaining and mildly

sensational manner. As it is, I shall confine myself to "the hollow mockery of describing things as they are," —

Mr. RILEY. — To what? What is that?

The CHAIRMAN. — Please do not interrupt the witness.

Mr. RILEY. — I didn't get that word.

Dr. COGSWELL (continuing to read). — As it is, I shall confine myself to the "hollow mockery of describing things as they are," having somewhat of an advantage over most of the previous witnesses of personal knowledge of the matters in question.

No one can have welcomed this investigation more gladly than I, for while the notoriety gained is not at all enviable, the results obtained will, I hope, compensate us in a great measure. For months past our institution has been persistently misrepresented in the public press. Insinuations in the form of interrogation and false statements have occupied about an equal space. No attempt at refuting these was made, in the belief that this investigation, so long promised, would by its thoroughness and impartiality show the *true* condition of our institution as it stands to-day, and that is what we earnestly desire.

Of course, every witness so far has been actuated entirely by a spirit of humanity. To impute different motives would be most uncharitable. I wish you to distinctly understand, however, that I am fully as much interested in the welfare of the men and women under my charge as any one to whom you have yet listened.

About one-third of Mrs. Lincoln's opening statement is devoted to fire appliances or lack of same, water supply and telephone, none of which come under my charge, to extraneous matters such as "Gentlemen, gentlemen, I lay aside once and forever the hollow mockery of describing things as they are," "The time has come for the cry of the poor and oppressed to be heard," and to a motion to get the report of the Board of Visitors before the public. More than one-half of the statement dealt with her friend's reception and treatment at Austin farm, and alleged abuses and mismanagement at Long and Rainsford Islands before March 20, 1893. There remains hardly more than one-seventh of the whole which reflects on my management.

She calls attention to the food in this way: "What is this they say: The food is short and poor — they cannot drink the tea. Here is a sample of it. Along with this uninviting spectacle they humbly present a specimen of their breakfast." The presentation was quite dramatic; not so the attempt at identification. That, however, was not the kind of tea we furnish, and you will have an opportunity later to test it here for yourselves. Our breakfasts consist of coffee or tea, bread and butter, with Indian meal porridge or mush added twice a week, differing somewhat from the alleged sample, and no man ought ever to go hungry, for there is always plenty. She says, "A competent witness will tell you that the milk in the new hospital on Long Island is continually short, and that the diets given to the patients do not correspond with the printed lists." Judging from the testimony, you have not heard a competent witness on the subject.

I think now will be as good a time as any to explain this diet

list and milk question. This diet list, as they persist through ignorance in calling it, is not a diet list at all, never was intended for such, was never considered so by me, nor did I think it ever was by any one until I heard some of the witnesses before this committee. It is simply a diet order for patients, as any one can see by reading what is plainly printed at the top. The purpose for which it was gotten up would have been equally well served had there not been a single article of food printed on it anywhere. The articles were printed to save the nurse from writing them. It is used by the nurse to notify the cook how many rations of an article are needed, and at what time of day. By combining the different ones from all the nurses the cook estimates how much of each are to be ordered from the store. So Mrs. Lincoln does not state the truth when she says, "They are intended for the benefit of visitors." The only printed diet list we have is that of our house diets, which can be found hanging up in the kitchen, and you will find that it corresponds exactly with the diet furnished to the patients, except what may be added in the way of special diets, and of these there is no list printed. Our special diets from which the physicians can order are very liberal and will compare favorably with most hospitals. They are beefsteak, beef-tea, mutton broth, chicken broth, eggs raw or boiled, buttered toast, milk toast, gruel, crackers, milk, baked apples, apple-sauce, and graham bread. I have been ready at all times to furnish any of these articles, with a little notice, whenever ordered by the attending physicians, and have done so. The physicians have always been and will be the sole judges of the necessity of these articles for the patients. I personally never discouraged the use of any of our special diets, *never* refused them nor, on the other hand, have I ever advocated them. Mrs. Evans and Dr. Parker have given their stories relative to the ordering of chicken broth last January. As my name was introduced, let me add my story. The first time she came down to Long Island Mrs. Evans asked me why some of the articles of diet printed on the diet order were not given, and I told her I supposed because the physicians did not think them necessary, that they would be furnished whenever ordered by the doctors.

One evening after Mrs. Evans had visited the island, Dr. Parker told me he was *going* to order some chicken broth, not that he had ordered it; and I asked him what for, if there was any one who needed it. He said "No," but that Mrs. Evans had gone through the wards that day asking some of the patients if they would not like chicken broth, etc., and that she had asked him to order it. I, as a friend, not as superintendent, advised him not to order it at that time unless he had some very good reason for doing so, for if he did it then, they would say he had neglected the patients in not ordering it before, and the sequel shows I was right. I did not know or care whether he ordered it or not after I had advised him, but I did know the day after from the fact that no order came from the cook for chicken, that Dr. Parker had not ordered chicken broth, and he swore here under oath that he did not order it. The next time Mrs. Evans came down she asked me

why the chicken broth was not served, and I told her because Dr. Parker had not ordered it. She said he had, because she saw where he had written the order for it. Then we had some talk about what he had written the order on. I never told Mrs. Evans that I did not remember having a conversation with Dr. Parker on the subject of ordering chicken broth, for I did. Mrs. Evans misunderstood me, I suppose, just as Dr. Parker must have misunderstood her when he says she asked him to order chicken broth that she might find out whether it would be furnished. I don't doubt that Dr. Parker wrote an order at that time for chicken broth and showed it to Mrs. Evans, but no one else ever saw it, and it amounted to nothing.

In regard to the shortage of milk, Mrs. Lincoln and some of her supporting witnesses endeavor to give the impression that the milk in our hospital is continually short, and that patients are allowed to suffer for the lack of it, all through mismanagement or hard-hearted economy on my part. Gentlemen, that is not so, and in support of my statement I refer to the daily requisitions of the cook for milk, from May 8, 1893, to April 1, 1894. These show the amounts called for to fill the orders from the different wards each day and the amount of milk delivered, and are certified as correct by the cook. The figures represent quarts, not cans, as is printed. From these you will see that out of a great many thousand quarts called for, all but about 400 have been delivered. The only continued shortage you will find are six days in May, where it is slight, and fourteen days in December, where it is considerable; but at no time has a patient suffered for the lack of milk. Whenever we have found that milk was running short we have always purchased some from the city, sometimes as much as ninety quarts a day. We have never practised economy by cutting down milk, as I consider milk about the cheapest article of diet we have.

When we sold milk to Rainsford Island and the boarding-house we had plenty and to spare left. You will see that from our milk record. Our surplus we were accustomed to give to the inmates in the institution for their tea, coffee, or shells.

I understand that the question of supplying milk to the patients has been a vexing one, for years past. I know that I made four, yes, five investigations of this milk question in the first nine months I was on the island, making some improvements in our methods of distribution and accounting; and I am happy to say that since Dec. 27, 1893, when our present system was adopted, we have never had even the appearance of a shortage of milk in our hospital, and this is one improvement which cannot be credited to the heat of this investigation.

I think I can explain to you how the present rumors of shortage arose. Our milk supply, coming mainly from cows on the island, is liable to considerable variation from day to day, according to the weather, and, as it comes twice a day, we are liable to have to wait either night or morning for part of our milk. Let me illustrate: If seventy-five quarts of milk were required to fill morning orders, and there were but fifty quarts left in the milk-room from

the preceding night's supply, when they were sent out we would be twenty-five quarts short for a while, but half an hour later, when the milk came from the barn, the total requisition would be filled, and there would be no real shortage. It was our custom, at one time, to send the milk to fill the morning and noon requisitions to the hospital in the morning. At noon the milk would often fall short, and the cook be obliged to send to the milk-room for an additional supply. It took some time to fill these extra requisitions, and the patients were obliged to wait for their rations; and it was from these occurrences, which were more or less frequent, that the reports started of continual shortage of milk in our hospital.

The ration allowed for a patient, when not otherwise stated, is one-half pint, measured in a measure, and not by the eye. As for giving skimmed milk to the patients, it has never been done to my knowledge. The infants are given milk directly from the barn, except at noon. I never knew of over three quarts of cream being taken from the milk in twenty-four hours, and that amount was taken from nearly 200 quarts of milk. If we had set the milk and skimmed it, we ought to have gotten forty quarts of cream. There never has been a day when you could not go into the hospital and find a mug of milk by the bedside of some patient with good cream on it, where it had stood untasted for an hour or so.

Mrs. Lincoln states that the standard of cleanliness in the hospital is far below what it ought to be, and that personal cleanliness in the care of patients is not enforced. This is a matter of opinion in which I do not entirely agree with Mrs. Lincoln. In answer to her, and all other accusations of the same kind, I can tell you what we do, and our rules have always been the same: Every floor in the institution and hospital is scrubbed once a week, swept from once to half a dozen times a day. The dining-room floor and halls are scrubbed three times a week. Every inmate is bathed at least once a week, and given a clean change of clothing. All our bed-linen is changed once a week, and we have patients in the hospital whose bedding and clothing are changed half a dozen times a day. Dirt is somewhat a matter of accident. I have seen the hospital floor very clean, and gone out two hours later and found it covered with pieces of straw and lint. Shortly after that I found it clean again. Cleanliness depends, in an institution, upon discipline. If I can't stop a man from spitting on the floor, from going out and coming in with mud on his shoes, and doing various other things, I can't expect to keep to the highest standard of cleanliness. Our women's wards are the equal in cleanliness to any hospital wards in the country. Our male wards will compare not unfavorably with others of the kind, but I will say frankly that at one time I was not very well satisfied with them, and that I have continually endeavored to raise their standard. I am very glad if Mrs. Evans thought she saw an improvement. It is encouraging.

The statement is made that the quality of the food is not what it should be for the sick, and that too little care is taken in the reparation of the food for the well. Mrs. Lincoln could not have

meant that to apply to my management, for she testified that at the only meal she was ever present during my time the soup was excellent. As to quality, I wish to say that over three-quarters of the articles of food furnished for inmates are used on the officers' table — also my own — and as to its preparation, I can speak from experience and say I have never seen it prepared in anything but a careful manner. I have seen a large majority of the meals served while in preparation. I have eaten of the food served to the inmates many, many times, and have never found it so but what I could have sat down and made a good meal, in fact I have made several lunches. Mention has been made of a sink-mixed pudding and much made of it. Let me tell you a few things about it. When I went to Long Island I found that a wooden sink in the kitchen was used for washing meat and soaking beans. I thought it had been put there for that purpose, and naturally too, for I never saw it used for anything else except to scald out tins, and there is a large soapstone sink for other purposes. If inmates relieved themselves as in a spittoon I never knew it, and they must be curious people who would do such a thing knowing that they eat food prepared in it five days in the week.

To show you what I thought of this sink and the propriety of using it for the purposes we do I will say that I am in the habit of drawing my Sunday ration of baked beans from the inmates' bean-pots; that I often eat their meat; that I ate a portion of nearly every bread pudding that was served, and always found them good. The pudding referred to was sour because the bread was sour — not because of any trouble with the place in which it was mixed.

It was amusing to me at times to listen to Mrs. Lincoln giving her testimony on Long Island, showing how little she really knew. Let us take, for example, to show into what errors partial knowledge may lead one, the question of towels. She says on the day she took the count there were 159 men using eight roller towels, that these were all they had, and that there had been a recent improvement under the new deputy, meaning Mr. Stimson; whereas there were formerly four there were now eight. She refers to the wash-room off Ward 3. Now, what are the facts? Let us start back to the fall of '93 when we first began to sleep men in that ward. At first we had but two towels, then as the number of men increased, four, then after the ward was full and we began to sleep men in the chapel, these men had to wash in this same room, and more towels were added for them until we got up to eight, these last ordered by Smith, the old, not Stimson, the new, deputy. If we had had more men and Mrs. Lincoln had come at the time she might have found ten or twelve towels. If she had gone down July 1st she would have found the number of men reduced, also the towels. There were but four. A great many of the men, especially the older ones, have their own individual towels. I know that at one time in January, 165 men out of the 497 on the island had single towels. Every woman has her own towel, and all the patients in the hospital with enough for a change. This has always been so under my management. The persons who give

Mrs. Lincoln her facts are not to be relied upon, and she does not verify them. I should like to mention the fact that at one of the institutions which Mrs. Lincoln says we most closely resemble, and holds up as an example for us to follow, I saw seventeen roller towels hanging in their wash-room, and was told by the man in charge that they constituted the daily supply for 350 men.

Mrs. Lincoln has not informed you correctly as to the time she could or did spend in the hospital. The "Bradlee" does not arrive at Long Island at 2.45 P.M. but rather from 3.15 to 3.45 P.M.; and during the winter months, when she says she is a more frequent visitor, it averages to leave for the city about 4.40. In the summer it is later. And in place of being in the hospital over two hours, it is my best judgment, unless on some special occasion, she never was there over half an hour, for out of the hour and a half she has on the island she had to visit the nursery, the infirmary, and consult with her lieutenants, Coakley, Simpson, and Doran.

Counsel says of the investigation: "It is not an attack upon any individual. No one whom I represent, so far as I know, who is here present, has any attack to make upon any of the officers or individuals who occupy public positions." The saving clause in that statement must be "who is here present," for it strikes me that that which started on the high plane of humanity has since in a great measure degenerated into a personal attack upon me, and that some of these good people have been used to further private ends.

The opening argument for the complainants covers twelve printed pages, the last four of which do not concern me, and in them are crowded 27 statements that are not borne out by facts, six statements of facts that were going to be proved but have not nor can they be, and several insinuations. I shall not go into their details now, but if you will compare my statements of facts with their opening you will readily pick out the ones to which I have reference.

Our institution and hospital have been compared with Tewksbury and Blockley, always to our discredit. I wish, gentlemen, that you could visit the three institutions on three successive days and the New York almshouse and hospital on the fourth. I don't think you would come home ashamed of your own institution in any way, shape, or manner. I know I did not, and I visited these institutions for the express purpose of comparing them with Long Island, and the only thing I envied them was their being able to successfully enforce all their rules and regulations.

It cannot be possible that Mrs. Lincoln or her friends are familiar with these institutions with which they have so freely compared us, for in comforts and surroundings we are superior to them all. The quality of our food is the same, it is as well prepared, and better served in some cases, and we have more of a variety. Our clothing is practically the same. In the number of nurses to a patient we are equal with New York, which most nearly corresponds with us in character of patients, about equal with Tewksbury, and behind Blockley. But judging from my observa-

tion of their surroundings and the condition of their patients, the nurses at Blockley are not the equal of those at Long Island. Blockley is the City Hospital of Philadelphia and corresponds very nearly to our Boston City Hospital in its medical organization and class of cases admitted. I make this statement from my own observation. They have a large corps of visiting physicians and surgeons, thirty-six, I believe, with twenty house officers and a Chief Resident Physician, and a well organized ambulance service. I was informed by the Chief Resident Physician that the larger proportion of their cases were acute, which would demand more nurses than our class of patients; and yet I was told by a nurse there that there she averaged fifteen or sixteen patients, seven in bed, the others convalescing.

It has been said that our hospital fails to cure. It undoubtedly does sometimes; most hospitals do the same. It seems to me a fair way to judge a hospital by the results obtained. I can't compare Long Island with Tewksbury, as their report does not furnish the figures, but if you will examine the City Hospital Report of 1893, you will find that they have discharged $21\frac{3}{5}$ per cent. of their patients cured, 60 per cent. relieved, and .03 per cent. unrelieved. Our last report shows $52\frac{4}{5}$ per cent. of our patients discharged cured, $21\frac{7}{5}$ per cent relieved, and .06 per cent. unrelieved. I don't think I need to add any remarks to these figures.

In comparing our medical organization with that at Tewksbury, the latter was held up as a model, and you were given to understand that ours fell far below it, and was about as bad as could be. If you are at all familiar with Tewksbury, you know that with the exception of the staff of consulting physicians, the two organizations are alike. As to the *personnel* of the staff, it would not be becoming to me to compare them, though I should like to indorse counsel's expressed opinion of Dr. Howard, and I guess I know the doctor better than he does.

I can, however, with propriety give you the facts concerning our so-called floating population of medical officers, that you may judge for yourself whether this statement is correct; namely: "Much of the time during the last year there has been no second assistant." The men were transferred to the hospital April 2 and the women April 5, 1893. Dr. Sullivan came as second assistant April 13, and remained until September 30, when he resigned to go into private practice. Dr. Parker came on that same day, and remained as second assistant until November 16, when he was promoted to first assistant to fill the vacancy caused by Dr. Dever's promotion to the position of Resident Physician at Rainsford Island. Dr. Murphy came as second assistant November 27, and served until February 12, when he resigned. Dr. Leach came to fill Dr. Murphy's place, February 13, 1894, and is still with us. Up to July 1, 1894, we had four internes. Mr. Bennett, Mr. Noyes, Mr. Douglass, and Mr. McKenna. These four men never had received their degrees, as Mr. Brandeis said, inferring that it was something against us. I wonder if he knows that at most hospitals they will not receive a man as an interne who *has*

received his degree. Dr. Dever, who had charge of the immediate details of the hospital from its opening to November 19, 1893, was a man whom I had known for ten years, who not only had experience gained in private practice, but who had been connected with the old hospital at Rainsford and Long islands for two years, whom I knew to be conscientious, capable, and trustworthy; and he would tell you that I never felt obliged to interfere with him in any way whatsoever, nor did I. Our arrangement for the classification and location in the wards of diseases was complete and well carried out under him. When Dr. Dever left us I considered that Dr. Parker was entitled to a trial as first assistant, so he was appointed. Fearing, however, after some little observation, that, even as my critics say, "He has a heart which is greater than his talent," I took unto myself some duties for a while which previously had not been considered necessary. And, gentlemen, if you read over certain portions of this testimony carefully, with reference to dates, you will not wonder that at about this time I pursued such a course; and I should like to have Mrs. Evans recall to her mind a certain conversation I had with her relative to Dr. Parker on her third visit to Long Island. Since this hearing has been in progress, though for obvious reasons I should much preferred not to have done so at this time, I have felt compelled, in order to protect myself, to assume the entire charge and responsibilities of the hospital treatment of patients included.

THE CHAIRMAN. — The committee will now take a recess until 8 o'clock this evening.

EVENING SESSION.

The hearing was resumed in the Aldermanic chamber at 8 P.M., Chairman Hallstram presiding.

STATEMENT OF DR. CHARLES H. COGSWELL — *Continued.*

Dr. Cogswell continued his statement as follows :

All this talk about an average number of patients to a nurse is nonsense unless you know the character of the cases to be nursed. In some cases five patients to a nurse would be too many, while in other instances fifty would not. For example, April 28, Mr. Murphy, our nurse in Ward A, reported thirty-one patients under his care. Mrs. Lincoln and her friends would at once exclaim, "Overworked nurse, neglected patients." Some facts: At 8 A.M. that day I visited the ward, found two patients asleep in bed, the nurse playing checkers with a third, and the other twenty-eight not in evidence anywhere, — out around the island for a walk or over at Loafers' Hall for a smoke. I presume. Nor is this an isolated instance. For the past year our daily average of patients confined to their beds has not been over thirty. They say we correspond to Tewksbury in the class of cases treated. I say we do not, any more

than that all large general hospitals treat about the same diseases. I say that we are much below Tewksbury in the proportion of acute diseases and diseases requiring nursing; and to prove my statement, I offer the following statistics compiled from the last annual report of each institution:

Total number of diseases treated in hospital at Tewksbury	2,456	Total number of diseases in hospital at Long Island.....	1,542
Acute diseases and chronic requiring care and nursing at Tewksbury.....	996	Acute diseases and chronic requiring care and nursing at Long Island	380
40 $\frac{13}{24}$ % of whole.		24 $\frac{9}{15}$ % of whole.	
Number of deaths at Tewksbury	259	Number of deaths at Long Island	125
Deaths from acute diseases at Tewksbury	92	Deaths from acute diseases at Long Island	15
Proportion of whole	35 $\frac{14}{25}$ %	Proportion of whole.....	12%
Proportion of deaths from chronic incurable diseases, 64 $\frac{11}{25}$ %		Proportion of deaths from chronic diseases.....	88%
Death rate.....	1.05	Death rate.....	.75%

But it is said it is not merely a question of the number of nurses, — it is what their occupation has been; what has been required of them; what their character has been. A great deal of time has been occupied on this subject. Witnesses have testified who knew little or nothing about the facts. To put it mildly and charitably, many misstatements have been made.

The term "floating population," as used in regard to our hospital nurses, certainly cannot apply to our female nurses, as we had the same four September 1, 1894, that we had when the hospital opened, and notwithstanding all statements to the contrary they were all thoroughly competent to fill the positions which they occupied, nor have I ever known anything derogatory to their personal character. Now, as to the male nurses, when the hospital opened April 2, Mr. Morphy was the day nurse and Mr. Bowden night nurse. May 16, Mr. Bourse came as night nurse, Bowden going on as second day nurse. As much has been said about Bourse's drunkenness I wish to preface my remarks on him by the statement that he came to me from Tewksbury, where he had been a nurse, with an excellent letter of recommendation. He resigned August 2, because he thought he ought to receive more pay. He was reëngaged August 31, and resigned October 3, under the following circumstances: He had returned that afternoon from leave of absence. What his condition was on arrival I do not know, for I did not see him, but some time afterwards he came into the office at the hospital, for what I do not remember, but he was unmistakably under the influence of liquor. Commissioners Jenks and Pillsbury were there at the time. Both told me they would not keep such a man on the island and to discharge him. I said I intended to do so. That was the first and only time I ever saw him under the influence of liquor. He never was reported to me by any one previously, and up to that time I never suspected that he

was a drinking man. I considered him as good a nurse as we ever had, and in view of what I considered his previous good conduct he was allowed to resign. Bowden left June 30, and Michael Barrett went on as night nurse July 14, and remained until August 27, when he was transferred to Marcella-street Home. H. W. Hall, who has figured quite extensively in the testimony, about whom McCaffrey and Parker knew so much and so little, depending on circumstances, came September 5, and the best evidence did not show, as counsel promised, that "at least one death was due to his administering medicine to one who should not have received it." About the 10th of November Dr. Parker told me that more whiskey was going out at night than he had ordered. I told him to measure it and make sure. He said he had done so once or twice. I told him to measure it every night and keep a record. I asked him if he had any evidence to prove that Hall took it, as I knew it was possible for others besides Hall to take it, and he said "No." Meantime on Thursday, November 16, Hall came down from the city intoxicated, for which he was discharged. McCaffrey and Parker have not told the truth about this man. I will not say they have made deliberate misstatements. I prefer to think that, not expecting ever to be called on to testify in regard to this case, and having no reason to keep memorandum of dates, they have forgotten and got a little mixed. Up to Friday morning, November 17, no one had ever reported Hall to me as being under the influence of liquor, nor had I seen him in such a condition. On that morning Mr. Doran, an inmate, came to me and said that the night before at about half-past seven he had found Hall asleep in the hallway near his room and had assisted him into it. On the same night McCaffrey reported the same thing, and in addition the fact that that morning he had found Hall asleep in his room with the gas lighted. On Sunday, November 19, Hall was discharged, without any investigation by me, as he acknowledged being intoxicated. He denied, however, ever having taken any liquor for personal use from the ward medicine closet. We had but one other nurse at that time, so I told Hall he could remain a few days until another was secured. November 22 I engaged a Mr. Raymond, but owing to the fatal illness of a relative he did not come until November 27, on which day Hall took his departure. Hall was not discharged, as you see, because Mrs. Lincoln made his drunkenness publicly known. She never has made it known, and I doubt that at the time she knew we had such a man there. Nor did he remain five or six weeks after he was reported for drunkenness and then leave before a nurse came to take his place. The only conversation that I ever had with Dr. Parker about this man, excepting when he reported the disappearance of the whiskey, was some few days after your committee visited Long Island and Mr. Doran testified that he had seen Hall repeatedly drunk. I thought I would investigate the matter, find out the truth, and see why it was that, if these and other cases were true and all so well known, I had been kept in ignorance, and if any one knew it who would be responsible to report them to me. I wanted to know it. Dr. Parker then told me, for the first time,

that one night he and McCaffrey saw Hall when they thought he he was under the influence of liquor. He has testified here under what circumstances? Neither of them seemed to have thought it of enough consequence to have reported the fact to me.

Raymond remained on as night nurse up to February 13, when Mr. Finnerty came to take the position, Raymond going on as day nurse. Raymond was discharged June 7, 1894, and Lewis N. Connors engaged to fill his place; he with Finnerty and Mr. Morphy constituted our staff of male nurses up to Nov. 1, 1894.

If you will examine the dates given here, you will see how little truth there is in Mr. McCaffrey's statements that we were ever dependent on inmates for night nurses any length of time. That we have been without a second day nurse in the male wards a portion of the time is true, but not through any fault of mine nor the commissioners. When the hospital opened I asked authority to engage two day nurses and it was granted, and I have done my best to keep the places filled, but the law has not been passed yet to enable me to go up town and take a desirable man by the collar and say, "Here, you come down to Long Island and work at nursing."

Now, as to trained nurses and a training school at Long Island, Mrs. Lincoln forgot to mention that I told her last fall it was my ambition to have some such system at no distant day, *though I have not seen my way clear to it as yet*. Our nurses are most of them what would be termed experienced nurses, capable of performing any duty which is expected of them. By having a training school attached to a hospital, you secure a high grade of nursing at a small cost. The treatment of nurses at Tewksbury and their training school has been mentioned. I wonder if they know how long ago that school was started, and if it was within eight months of the time the hospital opened.

Early in the investigation this statement was made: "That same false economy and disregard of the welfare of the people under the charge of the institution resulted in denying to the physician the most necessary instruments which they recommended and demanded." On examination what has this dwindled into? — Dr. Parker, under cross examination, stated that the only instruments he ever asked for that he did not get immediately were an ether cone, surgical sponges, and applicators. The applicators he would have gotten immediately if he had written for a hard rubber uterine applicator, which was what he wanted; but the clerk at the office not being a medical man did not know where to send for an applicator, and waited to see me, which delayed their arrival. This was no fault of mine. The ether cone, such as was wanted by Dr. Parker at first, or the one we eventually got, I do not approve of. It is not necessary, nor is it used by the best surgeons. I ordered one which was a simple affair, something like a straw sleeve protector, such as are used at the City Hospital. The jar of surgical sponges I have not ordered nor shall I, as I do not approve of them for general use; wads of absorbent cotton are much better. A director, the absence or want of which has occasioned so much talk, was on the island at the time Dr. Parker felt the

need of it, in the instrument case, and had been since a year ago last June. I should not be blamed for the fact that the young man did not recognize it as such when he saw it combined with an artery needle. The idea that I told Mr. McCaffrey Dr. Parker ought to have made one out of a piece of paper was so preposterous that it could not be left without an explanation, so it was offered by Dr. Parker; namely, that Mr. McCaffrey probably got it mixed up with the ether cone which could be made out of paper. That might have gone if it had not been for the fact that Mr. McCaffrey knew nothing at all about the ether cone. Dr. Putnam has said that our supply of instruments was small. I have not any doubt that the instruments he was shown were few in number, and with a purpose. When he was there we did not have them in a case, and what assurance has he that he saw them. Our instruments are not as numerous as those at the City Hospital, but are quite sufficient to do any operation we are ever likely to be called upon to perform, and were decided upon after careful consideration by Drs. Dever, Sullivan, and myself. This purchase was not intended to be final. We have added to our stock from time to time as we found instruments were needed, and it will probably continue for years to come. We do not differ in this respect from the best hospitals in the country.

Again, these statements are made: "That same economy, so called, which presented itself in connection with surgical instruments, also found expression with regard to medicines." "Medicines which would serve the purpose better than anything known, could not be had because they were expensive." To support these statements a witness has been produced who does not know anything about the subject, and a second, whose evident intent and purpose was to mislead — McCaffrey — says he has seen me scratch, scratch, scratch, and so on, cutting off drugs which he and others would have you believe might have saved lives, grinding down the doctors, interfering with their proper treatment, and all sorts of dreadful things. Now, let us get down to facts. I have the original requisitions as made on me by Doctors Dever and Parker up to January 1, 1894 (since that date they say they have gotten everything they asked for), also the requisitions made by me on the Commissioners of Public Institutions. It is fair to presume that if an article appears on the former but not on the latter, it was cut or changed by me, though in one or two instances it was a mistake of the clerk in copying.

Let me tell you what you will find: On March 31, 1893, you will find one-half dozen boxes of belladonna plasters cut down to one-fourth dozen, the latter a three weeks' supply or a month's supply, and we order every two weeks. One-half dozen bottles syrup hydriodic acid cut down to one-fourth dozen, a month's supply. One dozen eye-shades cut off because they could be made at the institution. Five hundred Trinitrin tablets cut off, because, as I told the physician, I preferred them to use a solution of nitroglycerine. I am not to blame if Mr. McCaffrey or any one else did not know that it was the same drug under a different name in a different form. April 15, 1893, you will find 300 five-grain

calomel pills cut off. We had plenty of calomel in powder on hand.

May 1, you will find two two-ounce rectal syringes, and June 1, one ounce yellow oxide of mercury missing. These are clerical errors. I had no reason for not supplying them, and you will find them on the following requisitions.

July 1 I cut off two-gallon stone jars with faucets. These were to be set in the wards for ice water, and I did not approve of them. August 15 was, I presume, the date when Mr. McCaffrey looked over my shoulder and saw me scratch, scratch, scratch drugs that were to prolong or save life. Let us look it over and see what drugs there were. We first come to one large wooden spoon. I told the doctor to make a requisition on the store. Fifty vaccine points cut to ten, in view of the fact that we did not use them very often, and they are better fresh. One pound pumice stone (one of the expensive drugs) cut, and the doctor was told to get them to give it to him on the "Bradlee" where they buy it by the barrel. One-half dozen Royal P syringes cut. We had others on hand. Clock for female ward cut. You will find it ordered on the previous requisition. One dozen eye-shades cut, for the same reason as before. And finally, three ounces of sulphonal cut off, because, in my judgment, it was not needed.

September 1 I cut off one pound flavoring extract — cayenne — which we use for making tincture capsicum, because I think it is better made from cayenne pepper; and eight ounces liquid Dovers powders. We had it in pill form, and I did not think both necessary.

November 15 I cut off two ounces sulphonal, because we had nearly that amount on hand; you will see it was ordered November 1, a vaccine comb, — I would not have one used on the island; they are unsafe and unnecessary; and one Allise ther-inhaler, — Dr. Putnam said in his testimony he did not consider one necessary, and neither do I, but I ordered one later to please Dr. Parker.

December 15 you will see that I cut off five pounds subnitrate of bismuth; that was because we had enough of it on hand, and one thousand and quarter grams sulphate of morphine tablets. We had enough sulphate of morphine.

Now, in all this time you will find that I have cut off, really, but one single drug; that was sulphonal, on August 15. If you can find any doctor of standing in the profession who will come in here and say that the action of this drug is not well understood, and that it was necessary to experiment with it, I will cheerfully admit I made a mistake. I never deprived the physicians of any drugs or necessary instruments.

Another count in the indictment. "For paupers: poor medicines, cheap medicines, were good enough," in the Visitors' report: "the use of the more expensive drugs has been, if not absolutely forbidden, at least discouraged. I think I can show you how dangerous it is to take the simple word of any man, especially if you are not sure of his disinterestedness, when you can secure written

proof. The only drugs that were ever under discussion among us were the relative merits of aristol and iodoform, phenacetine and antilamnia, sulphonal and bromide and chloral. I think this was testified to by witnesses on the other side.

Aristol costs twenty-eight dollars and eighty cents, and iodoform four dollars and twenty-five cents per pound; the action of each is practically the same, and well understood. The former is odorless, the latter has a somewhat disagreeable odor. You will see by the requisitions that I ordered aristol every time it was asked for; they may say, Yes, but it wasn't asked for as often as they wanted it. You will hardly believe that when you find it ordered on seven out of eighteen requisitions, those of March 31, May 1, June 15, August 1, September 15, October 13, and November 15. Iodoform is on but three.

As to phenacetine and antilamnia, I prefer the latter, but you will find that I never cut off the former, that I sent for it every time, and as to their cost both come the same, sixteen dollars per pound, so I could not very well have advocated the cheaper drug. You will find phenacetine ordered on seven requisitions out of the eighteen, those of March 31, May 1, June 1, July 15, August 15, September 15, and October 15. Sulphonal is a drug the use of which is limited, and its action well understood and too expensive to be needlessly experimented with. It is the only drug the general use of which I have discouraged, and I have done so not especially because it is costly, but because we have no real need of it, excepting in rare cases, and there are other drugs which will take its place.

To show that I do not discourage the use of expensive drugs when they are the best known for the purpose, look at our purchases of hydrochlorate of cocaine every time it is called for. The physicians have never complained of its being denied, and yet it costs \$102.40 per pound. Acetanilid has been spoken of as a cheap drug in place of phenacetine as though I advocated it. I never did, for I don't believe in it, though from the way he ordered it, it seemed to be in favor with Dr. Parker.

Now, according to the testimony of Dr. Parker given before this committee, he has felt free since January 1 to order any drug he wanted or thought necessary, has done so, and has always got what he ordered. Please look over the requisitions and see how often he has called for either drug under discussion. Aristol twice, February 1 and March 31 sulphonal twice, March 31; and June 15, and phenacetine just once on April 14.

With these facts in mind no one could consistently claim that I discouraged, much less forbade, the use of expensive drugs; and I don't believe that as honorable a man as Dr. Putnam would have allowed the statement to which I referred to have appeared in his report if he had known the true facts as I have stated them.

Reference has been made to the pharmacy at Tewksbury, and their pharmacist. We have a pharmacy, too, but no registered pharmacist; yet we have a graduate of medicine to compound the drugs, and under the laws of Massachusetts the latter is considered equal to the former. I object to shouldering the blame for putting

Mr. Morphy in charge of the pharmacy, for I found him there when I went to Long Island, and he was recommended to me as well fitted for the position by Dr. Harkins; but as I considered it was for the best interest of the hospital to make a change, I did, relieving him from work there and placing the physician or interne in charge, and this was not because Mr. Morphy refused to do the work, as was stated by one witness.

The statement is made that the preparation of food and its serving has been such as to prove in many instances fatal to the invalids. That is a perfectly outrageous statement to make without any evidence to support it. I suppose counsel had in mind the case of Herrick, but if Dr. Parker testified to the truth Herrick did not die because of the piece of meat in his fauces or trachea.

As to the matter of light in the hospital, I wish to say that the hospital was opened before there had been any provision made to light it with gas, and I don't think any sensible person would say that we would have been justified in running a large electric light plant for not over half a dozen lights where their places could be, as they were, satisfactorily supplied by lamps or lanterns. There were four lamps and six lanterns in use in the hospital before we got the gas on. By the way, our lanterns, those that we use, are kerosene with a lamp burner, and not "barn lanterns." We got the gas on the hospital in August, and it worked as well as could be desired up to the middle of November, when it failed us. It took us some time to find out what the trouble was, but we got it going again December 12, and have not had any trouble with it since excepting on two nights, one in December, which I think was due to water in the pipes, and a night in January just after Mrs. Lincoln's letter on the subject appeared in the "Transcript." This time it was due to some evil-disposed individual going down in the basement between 12 and 1 at night and shutting off the supply.

As far as I am concerned, and for my own personal convenience, I should much prefer to run the electric lights throughout the institution and hospital all night, but we have tried it on several occasions, and have always had complaints from those inmates who were anywhere near the lights that they could not sleep on account of them. The first of these were in May, 1893, when we put in our new gas machine. We run the lights then one night, though Mr. McCaffrey did not seem to recollect it. I should like to say here, that the clergyman, Father McAvoy, told me that no night nurse or watchman ever took a light away from him to put in a wind while he was with any sick or dying patient, nor did there ever, to my knowledge, any women lie in agony or her fatal sickness with a single lantern.

In regard to changing diets to make them plentiful, or for any other reason, prior to May 29, 1894, when I assumed active control of our patients, I never had done it but once, and that was on August 16, 1893, when it was done in a perfectly proper manner. Dr. Sullivan was away on a vacation; he was gone from August 6 to August 21, inclusive, and Dr. Bennett was taking his place. I made the ward visit in company with Dr. Bennett that day, and

made what alterations I thought for the best. They were not made over Dr. Bennett or any one else, and were made because I thought at that time it was my duty, and I think so still. I never interfered directly in any way with diet or treatment of patients in the hospital; the only thing I ever did was, after careful study, to advise the physician, and it was proper that I should. There never was a time that I was not about as familiar with the cases in the hospital as the attending physicians. It was always my custom to spend more or less time each day in the wards, talking to the patients, many of whom I had known in other hospitals. All of the more interesting cases I was thoroughly acquainted with and have followed up. As to the matter of consultation, I was always very much pleased to be called on, and ready to give advice to the best of my ability, nor was it ever done in a hesitating and reluctant manner.

The cut of August 16 could not have been made in the interest of economy, as far as milk was concerned, for at that time we had much more than we actually needed.

That I ever told Mrs. Evans or any one else that I had frequently, and on various occasions, cut down the diets of the hospital, I deny. I did say that I had cut down the diets; that I had discharged patients; that I had a perfect right to do it; it was my duty, and I should do it whenever I thought best. That I was misunderstood has been proven beyond all doubt. The cuts were all made on one occasion, and then in the manner recommended by the visitors themselves.

In regard to the two cases mentioned, if Murray's boiled milk was cut off it must have been a misunderstanding, as I did not intend that it should be done, and I never had any conversation with Dr. Dever, as has been stated. As to Thompson, he told me the day before that he could not eat his steak, and that was the reason it was cut off.

Now, as to the burial of the dead. When I first went to Long Island it was the custom to hold the bodies a day or two for the friends to claim them, and if not called for to send them to Rainsford Island for burial. They were kept in the stone-shed or blacksmith shop, as it was called, on account, I suppose, of a small portable forge in one end. This seemed to me a very poor place to keep dead bodies, so I had a mortuary built with a capacity for twelve bodies in the refrigerator, and an autopsy-room, which could also be used for viewing the remains by friends. This mortuary was intended to take the place of a tomb, where bodies could be held for several weeks; as it is no uncommon thing for friends to claim bodies that length of time after death.

We began to inter bodies on Long Island in June, 1893. At that time the cemetery was laid out by myself and Mr. McCaffrey one hundred feet square; grave number one was located in the south-east corner, and they all run from east to west. The graves are numbered and a book kept giving the name of each person buried and the number of their grave. Mr. Farmer can go down to the cemetery to-morrow with his good smart boy and jackknife, and not only obliterate the numbers on the crosses, but pull up

the crosses themselves, and we can still give him any body buried there without any trouble. When we first began to bury I told the deputy, Mr. McCaffrey, as I have every deputy since, that he was to have the entire charge of burying bodies, and be held responsible for it; that he was to go to the cemetery, see the bodies placed in the graves, take the numbers, come back and give them to the clerk whose duty it was to enter the facts in the burial book. As far as I understand it, we follow Mr. Farmer's system. We consider it a good one, but if any one can suggest a better we will be pleased to try it. Having provided a good system, it was, you might say, my duty to see that it was properly carried out. Granted; but you will allow that it could not be reasonably expected of me to do it when not on the island, or while sick in bed. The former was the case when the bodies were buried about which the mistake was made in sending up town the body of a man for a woman, and also the day the man was sent up, and the latter when the bodies remained uncovered over one night. By the way, speaking of this circumstance, I think it was a put up job, else why did Coakley, who was furnishing information against us, and this fact known to the inmates, steal out of the hospital on a cold winter night and go down to the cemetery in his slippers? Wasn't it because one of the men ordered to fill the graves had told him they had not done it, knowing that the deputy could hardly find it out before morning? If Coakley was so interested in the inmates, and was making his complaints for their good alone, as has been stated, how can you account for this fact that he did not report the circumstances to any one on the island previous to reporting it to Mr. Farmer?

To my mind the most amusing sentence in Mr. Brandeis' opening argument is this: "When they had there as deputy superintendent a man who had some notion of the purpose of a pauper institution, who recognized that the boast of the institution should not be to make a low cost per capita, but to reduce the number, and he put them at work, they fled in flocks, fifty at a time. The labor test almost depopulated the institution."

Mr. McCaffrey went to Long Island Feb. 27, 1893, under Mr. Galvin, and I went there March 20, 1893. Between those dates 115 men left the island, 32 discharged and 83 on a pass. From March 20, 1893, to April 10, 1893, the same length of time as before, 149 men left the island, 111 discharged, and 38 on a pass. From Feb. 1 to June 1, 1893, 510 men left the island. During the same period of 1892, before Mr. McCaffrey's value was recognized, 503 men left, and in that time of 1894, when we struggled along as best we might without him, 676 left us.

I want to say that these figures are taken from the Mondays and Thursdays, when the men came out. Between those days there may be anywhere from one to half a dozen go out during the week; but they are just about the same each year.

I do not propose to honor Mr. McCaffrey so far even in this statement as to deny any of the many wrong statements he has made where it would simply be a question of veracity but I will contrast a few of his statements with the facts as brought out here:

McCaffrey says Nurse Hall left before any one had been found to take his place. Dr. Parker testified that Raymond came the morning that Hall left, and that was a fact.

McCaffrey says Hall was discharged because Mrs. Lincoln had made it (Hall's drunkenness) publicly known. Hall left Nov. 27, 1893, and Mrs. Lincoln's latter series of letter on Public Institution at Long Island began Jan. 10, 1894.

McCaffrey testified that Alexander Wallace, who he said died under suspicious circumstances, was up and about working at the hospital the night before he died. The fact is, as Dr. Parker testified, that Wallace did not and could not work in the hospital.

McCaffrey says he reported Smith for drunkenness on the 22d of May, and I replied that the inmates were down on Smith and that it was a made-up yarn. Now, when he testified before the Commissioners at their investigation of Smith for drunkenness, he said that he saw Smith drunk in the receiving-room asleep in his chair on May 21, which was Sunday, by the way, and McCaffrey not there, and reported the fact to me. How he reconciles this statement before the Commissioners with the reply he now tells you I made to him I can't understand.

McCaffrey tried to show that we only ventilated the hospital three-quarters of an hour before boat-time. He only ventilated his ignorance of the subject, however, as was shown by Dr. Parker's testimony.

I might say here that we have two systems of ventilating the hospital wards, the first by transoms and ventilators at the top of the rooms, and the second, when everything is closed up in winter, by forcing fresh air, previously heated, into the wards, which forces the foul air out through ventilators on the floor. The latter is only used when we have heat in the hospital.

McCaffrey says there was no gas in the hospital. It has been working there since August, 1893.

Mr. McCaffrey says when we commenced to bury I told him it was his duty to attend to the burials, which was true. He also says that until after he had made a mistake, which by the way was only discovered just before he left, he never received any orders to take charge of the burials.

On this subject of the mistake made in sending up the body of Fred Rallion for a woman, Mr. Caffrey testified quite differently at different times. First he gives what was the correct version, and says he will take the blame of it, as he ought to have gone to the graveyard with the bodies. Later on a thought strikes him that this will be an excellent chance to lay yet another fault at my hands, and he says, "I was on the way down to the graveyard with these two bodies on what they call the "jigger" going to attend to the matter myself, and Dr. Cogswell came along and sent me up to the barn. I jumped off the jigger and went up to the barn on an errand for him. I can remember it just as well as if it happened to-day." To cling it he says that he can remember the road he took (not strange, as there is but one) and just where he met me. Now, gentlemen, what are the facts. I started for Chicago on the evening of October 6. Fred Rallion died October

8, and was buried on the 13, while I did not return from Chicago till the morning of October 17. Our records show the dates of death and burial, and Mr. McCaffrey's signature on the milk requisitions will show I was away between the dates I have given ; so you see it is impossible that I should have sent McCaffrey to the barn, and I leave you to guess the plain English for the whole statement, which is typical and shows the true animous and creditability of his whole testimony.

McCaffrey says Dr. Bennett did not go through the wards with me on Aug. 16, 1893. Mr. Morphy says that he did, and it was the fact.

McCaffrey says I only visited the hospital off on, or only when cutting rations. Morphy says I visited the hospital about daily. Mr. Morphy states a fact, while McCaffrey speaks of something about which he knows nothing.

I sent Fred Rallion to the hospital two or three weeks before the time referred to by McCaffrey and discharged him the day I did at his own request, — he not liking to “ stay in the hospital,” and having nothing the matter with him but the infirmities of old age. In speaking of this case of Rallion, Mr. McCaffrey says, “ He was discharged by Dr. Cogswell and I had him sent back again that same day, the day he was discharged.” Rallion was discharged Aug. 16, 1893, and was readmitted Aug. 18, 1893, and died Oct. 8, 1893.

McCaffrey says there is a flag raised at Deer Island to notify us that distinguished guests are on board the boat. That can hardly be the reason for raising the flag as it was done for years before the institution was located on Long Island.

He says Dr. Sullivan put some stitches in a woman's leg who fell down stairs. Dr. Sullivan was not there ; it was Dr. Bennett, and there was no necessity for stitches, nor were any taken.

McCaffrey says I would not sign a death certificate until I received two dollars. I am required by law to sign them. The insurance papers, which I presume he refers to, are made out by me, as the rules of the companies require. All physicians get two dollars for filling out the same, and I do when I can. This I am sorry to say is not very often, most of the time the parties say they are poor. In these cases I have cast my bread on the waters, and as yet the “ many days ” have not expired.

Dr. Parker, in testifying, does not seem to me to have the faculty of calling on his imagination for facts quite equal to Mr. McCaffrey, though it is fairly well developed ; still he has that which is more desirable ; namely, a convenient memory, for who of us would not give much to remember what we wish and to forget whatever is inconvenient to remember.

Dr. Parker started out with the statement that he had been summoned to be present at previous hearings, but that he had not come because I had instructed him not to. This statement was considerably modified under cross-examination.

Dr. Parker was summoned to attend the second bearing, and told me so, saying that he did not care to go and testify. I told him he was not obliged to if he did not wish, but that I should

much prefer he would. On the morning of the hearing I told him I thought he had better remain on the island as the deputy superintendent was very sick with pneumonia, saying I did not think there was any possibility of his being called upon, but that if I found his presence was needed I would send the police-boat "Protector" down after him.

In the case of Emma Forsman, the girl had chancroids and venereal warts. Dr. Parker called me in to see her one day and said he wanted to operate. I advised him to wait until he got the parts cleaned up and a little more healthy and when he operated to cauterize, for if he used the knife there would be danger of inoculating the cut surfaces.

Dr. Parker says there was a change in the nature of my duties somewhere in December, the time is corroborated by Mr. Morphy in his testimony. It was not due to the letter of Mrs. Lincoln, as he tried to insinuate, for that did not appear until January 10, but to the young man himself, and if I had relieved him from the active management of patients and hospital on Dec. 28, 1893, in place of May 29, 1894, I should have done better.

On the evening of February 27 I called Drs. Parker and Leach into my office and told them I wished to have a talk with them on their respective duties. This investigation was not the cause of it, but the criticisms which I had seen in the report of the Board of Visitors. I asked each to define exactly what he understood to be his duties. There never was any doubt in my mind about what I expected from them, and I wanted to see if they were equally clear. If I had told them their duties I never could have said as I can now, that they understood their duties to be the same as I did. It was not a secret conclave for the purpose of preparing testimony and making things straight for this hearing, but an ordinary conference such as is liable to be held at any time.

In regard to this division of duties and instruction of doctors and other employees I want to say that all persons employed on the island have either been told their duties by me or turned over to some one else whose duty it was to instruct them. If I tell a doctor he has charge of a ward, and he don't know enough to know what that means, we don't want him.

Dr. Parker tells of reporting Smith to the Commissioners for drunkenness, but not to me; that's just it, that fact was not of enough importance in his estimation, but yet he reported Smith to me, and was very much incensed because Smith would not let him have a quart of milk to drink on his order.

In Dr. Parker's testimony this appears: "Well, he said aristol would do to use on a Back Bay patient, if I had some nice patient I wanted to use it on in the place of iodoform, but down there iodoform would do," trying to give you the impression that I thought anything was good enough for the paupers. What I did say was this: that if he was in private practice on the Back Bay where the smell would be a give-away and price no object, he could use aristol; but with us, where the smell was no objection, it was better to use iodoform where we could, and I think you will agree with me when, as you know, from Dr. Putnam, the heal-

ing properties of the two drugs are the same, and iodoform \$24.55 less per pound than aristol.

Dr. Parker wants to show that I proposed to prescribe for the patients in bulk. There are some prescriptions which you will find repeated in our daily order book time and time again. It takes the nurse a long time to compound these separately for half a dozen patients, and there is more likelihood of a mistake than there would be if these "stock prescriptions" were put up in bulk, which I wanted done. I will illustrate: Suppose six or eight patients are taking three times a day a dose composed of cod-liver oil, whiskey, tincture gentian, and syrup. The nurse has to handle practically thirty-two bottles. The way I proposed he would handle but one, eight times. I never heard of a pneumonia mixture or ever mentioned one to Dr. Parker. I would not have mentioned this if you were medical men, — perhaps Parker meant it for a joke, same as the feeding-cup.

It was the endeavor of counsel to show that a great many things had been done under the heat of this investigation, and Dr. Parker was willing to help him out. Dr. Parker says that an order was issued in February for the nurses to report anything wrong in diets to me. The order was issued in December, and at that time I did not know anything about investigation.

Mention is made of recent purchases of mugs and bowls, two cozen each. That was the truth certainly, but he forgot to mention that in the three months previous to Jan. 1, 1894, we purchased 40 dozen bowls and 10 dozen mugs. In the three months succeeding we purchases but 24 dozen bowls and 10 dozen mugs. There is hardly a month goes by that we do not purchase these articles.

Dr. Parker says he does not think we ever pumped water to the hospital until recently — after this investigation began. From the time this investigation began until October, '94, I don't think we pumped to the hospital over an hour, while up to last November we pumped, every day practically, from the day the hospital was opened.

Much has been said in regard to our water supply without much light being thrown on the subject. I will try to see if I can throw any light on *this* dark spot. In the early part of 1893 the water-pipes from the main land to Long Island froze and burst. From that time until April 8, when the temporary pipe was laid, all the water used on the Island was either rain-water, or water brought over from Deer Island in a tug-boat. The boat brought about 20,000 gallons daily and forced it into one of our large cisterns, from which it was pumped into the tanks in the attic of the institution building. Before we opened the hospital we piped it so that water could be pumped into the tanks that supply the hot water heaters, and in the east wing tapped it into the cold-water supply-pipe, and thus got our hot and co'd water on that side. In the west wing the pressure from the main was great enough to give us all the water we wanted. From April 8 to September 25, 1893, our water-supply was all right. On that day the men in laying the permanent pipe broke the temporary pipe, and we had to depend on

the tug-boat until November 3. Since that day we have not had any extended trouble and have had pressure enough to carry the water to any part of our buildings. From February 27 to March 2, 1894, we were without our regular supply as, owing to the water being shut off, the pipes froze again. It was at this time that Mrs. Lincoln came down, viewed our water-closets, and had Mr. Brown, the inspector from the Board of Health, sent down. For thirty-six hours we had to carry in pails; all the water used in the hospital while we were digging up and thawing out the pipe from the boiler-room to the hospital through which we pump the water. Yet, with all that, if Mrs. Lincoln had only been content to wait half a minute after the men got through using them she would not have found our water-closets quite so indescribably filthy as she claims they were, though the report of the inspector does not bear her out in that statement.

An attempt was made to show that there had been recent purchases of clothing, slippers, stockings, etc. We have never purchased clothing, but we did buy 1,926 yards of calico for dresses, January 18. In May, 1,893, we purchased 3,052 yards, and this, May we bought 2,697 yards. We are never without it. As for recent purchases of slippers, in the three months succeeding Jan. 1, 1894, we bought 110 pairs and in three months preceding 275 pairs. As for towels, last spring we purchased the materials for 775 towels. This spring when we had more people the material for 1,100. From these figures you can judge, and I can honestly say, that we have gone on at Long Island in the even tenor of our way, notwithstanding this investigation.

In his testimony on the discharge of syphilitic patients, Dr. Parker says I had discharged them on two or three occasions, and says he does not know anything of a colored girl that he heard I had discharged. Later in his testimony he says he does not really know of a case of syphilis that I discharged. Mrs. Evans says Dr. Parker told her he had seen and knew the condition of the colored girl, and that she had secondary syphilis. This colored girl, Fannie Ross, was not in the contagious stage of syphilis. No person has ever left the island to my knowledge whose presence would be a menace to the community.

A great deal has been said here about our hospital records, that they are imperfect, that they were not kept for a time, and are full of mistakes. I wish that you would appoint a committee to come down and examine our books. I do not wish to produce them here, for it would be not only illegal but an injustice to our patients. I know I can show any man that our books are all right and as well kept as they ever were, and I hope somewhat better; we are always trying to improve, and I do not say that there is not room for it even now. I will try and explain the best I can our system, and then show how and why persons unacquainted with the books might think they were wrong, and how persons interested in deceiving could find seeming proof if they did not go far enough.

When a patient enters the hospital the nurse takes what is called "the pedigree," — it is taken now by one of the doctors — which

consists of the name, age, social condition, birthplace, occupation, husband's name if a female, mother's maiden name, birthplace of both, date of admission, address of friends, religion, and records it in the pedigree book. In this book is also kept the date of discharge, date of death, cause and time of death. The hospital register, which is kept for convenience only, and to facilitate the making of reports, was kept under the supervision of the attending physician. In this, from day to day, are copied from the pedigree book the name, age, and date of admission; also by the physician's orders, the disease, date of discharge or death, condition at time of discharge, and any remarks of importance. The death book is now kept by the clerk of the institution as part of our institution records. It was formerly kept in the hospital. In it we keep the name and age of patient, institution number, date, time, and cause of death, and what disposition is made of the body, whether taken by friends or buried. Then we keep what is called a "clinical history book." This contains a short pedigree of the patient, a short history of his life, sickness, his family history and the history of his present disease and its treatment while in the hospital. These records were started by me in June, 1893.

Up to March 20, 1893, Long and Rainsford Islands were under one resident physician; the two hospitals were considered as one; all the record books were kept in that way, and all on Long Island, though part of the female patients were at Rainsford. When the administration of the island was changed all the books containing female records were taken to Rainsford Island.

For a month or two we copied the female names into a portion of the male register, then we fixed them up in the old Rainsford Island register book, the use of which was discontinued when the men were moved to Long Island. It was at this time that Charles Coakley, an inmate who did the copying, was sent to Rainsford Island to fix up the books; and it was done, as you can see, not because there were no records kept, but because they had taken over there the books containing the records of the patients that were left with us, which were necessary for us to have in order to keep our books in a satisfactory manner. The pedigree books, which are the basis of all our records, I can show you are kept in a continuous manner. Now for the so-called mistakes.

Dr. Parker says there were more deaths recorded in the death-book than Mr. Hinds, the clerk, had on his books. That was so, because Hinds' books showed only the deaths of people on Long Island, while the book contained all deaths up to March 20 that occurred whether at Long or Rainsford Island.

The record of O'Brien's death, which appeared on the institution books, no mention of which could be found on the hospital books, came about in this way: O'Brien was loaned to Rainsford Island for a few days, as a milker, I believe. While there he was taken down with pneumonia and died very suddenly. As he still remained on our books as an inmate of Long Island, we had to account for him, so he was put down as discharged by death. His name does not appear on the hospital book records for the reason that he was not there.

Dr. Parker says I told him it did not occur to me to look at the register until a few days before the making of our annual report. I never told him so. It has always been my custom to look at the register quite frequently to see if it was kept up to date.

Any mistakes that occur in the records as to ages, diagnoses, condition when discharged, dates, etc., are due to neglect of duty on the part of some physician, and they have not all occurred since March 20, 1893, nor were we free from them after November 15, 1893. I looked, as it was my duty, to see that the books were kept up to date. I did not seek to verify them, nor do I consider that I should have done so. I might just as well be expected to pick over a field of corn to see if the farmer has planted it properly.

Dr. Parker says the children were not given an airing from October until March. If he does not know any more about this detail of the nursery than he did about its ventilation his testimony on the subject does not amount to much. I depend for my information on Miss McKenna, the nurse in charge, who tells me the children were taken out up to December. Now, gentlemen, come down and spend the winter with us, and if it is anything like last winter you will not wonder why it is the children do not go out through January and February as often as during the summer months.

Dr. Parker says he reported the shortness of milk in the hospital to me every day in December, and if you remember Mr. Morphy's testimony he said it was for a few weeks in December only that we had any continual shortage. Mr. Morphy's statement is correct, and it was from the fact that Dr. Parker did not report it to me until the 26th day of December that the shortage continued as long as it did. If he had done so I could have probably righted the matter just as well on the 8th as the 27th of December, and it was from the result of my investigation into this matter that I took unto myself some duties, as I have said before.

Dr. Parker says, in speaking of an operation on a colored woman, Amanda Tabb, that I said it would not do to operate, that there were no facilities for surgery there, and that he would be only criticised by the public if he performed any operation. What I did say was, that it was not a suitable case for operation; that the woman was so exhausted she would probably die under the operation, and as for relieving her pain we could do that by strong opiates, as she would not live many days and she didn't. Afterwards, in talking in a general way, I told him we would never do any operation there without the consent of the patient, and if it amounted to much, to get not only the consent but the written request from patient or friends; that we would be always liable to criticism, and especially if the operation turned out unsuccessful, and I don't think I was very far wrong.

The true animus of Dr. Parker's testimony and his striving after defects, is shown where, in an attempt to prove the necessity of an ether cone, he illustrates the case of Dr. Murphy's cutting an artery, and their having to wait until they made up a cone. Laying aside whether for such an operation ether should not have been given in the first place, we will discuss the case as

it was. A small artery cut, two doctors present, one could put on pressure and control the hemorrhage indefinitely, while the other could make the cone. Every argument he advances for the presence of an ether cone, is in reality an argument for the giving of ether before the operation was commenced. Dr. Parker says in answer to the question — “What difficulty was there in putting your thumb on the artery until you got the ether cone?” — “Well, there was only two of us there, and while giving the man the ether, his struggles would move my thumb from the part, and he was a very powerful man, a very large man, and we had a very hard time to get him under the influence of ether.” What an answer for an honest, well-intentioned man to give to that question! Would the presence of a dozen ether cones have made the man less powerful, less in size, or less hard to put under ether? Again, when trying to think of some cases where the absence of any instrument has caused serious results to a patient, he hits on the case of Herrick, who, he says, died from a piece of meat in his trachea, and says if he had had a bristle probang he thinks he could have saved his life, although he was a very old man; and the papers picked up the statement and printed it in head lines. Now, any doctor who valued his reputation would tell you that it would be the greatest folly to try and get a piece of meat out of the trachea with a bristle probang. Look at his other attempts to mislead: iodoform cheap and good enough for a pauper, aristol expensive and only a Back Bay patient would need it. I guess you understand by this time, that as far as their effect is concerned, one is practically as good as the other.

He says I instructed him in the beginning that expensive medicines were not to be ordered. I never did anything of the kind, and you can judge somewhat from the drug requisitions before and after January 1st, the two periods when he was cut down and when he got everything, according to his story.

He says he did not get the aristol and sulphonal that was on the November 15 requisitions. You will find that the aristol was ordered by me; the reason he did not get the sulphonal was, because there was nearly as much in the hospital at the time as he had ordered, and I knew it.

He says Dr. Dever ordered phenacetine the day before he left, November 15, and did not get it. That is false, as you can see for yourself it was not ordered.

Dr. Parker gives the impression that requisitions were not signed until recently. Ever since I have been there they have been signed by the superintendent or deputy superintendent, or the goods were not delivered.

Just after Dr. Parker had said that he never knew of a case on Long Island, that needed a trained nurse, a recess was held, so that the next time he was asked he thought of several, and yet every case he mentioned would have been covered by an order for a nurse not to give any medicine unless ordered to do so by a physician.

Dr. Parker gives his explanation of why Mr. Reed asked a question on bed-sores. He knows, or at least ought to know, that

it is not a correct one. Bed-sores are very often the result of carelessness on the part of the nurse. As we have a great many old debilitated, bed-ridden patients, fit subjects for bed-sores, and have very few bed-sores, it shows good care and attention on the part of the attendants.

Dr. Parker's first statement of ten per cent. acute cases did not please Mr. Brandeis, so after the recess he explained it, that we would have eight or ten acute cases one day, and then eight or ten more on another day of different diseases, so that in the course of a year out of the 1,500 cases we would have 400 acute, a much larger per cent.; that may be a fact, and yet his reasoning is fallacious, as you, of course, at once saw, for the proportion of acutes to chronics is the same each day. If you have 135 chronic and fifteen acute, it does not matter whether the fifteen are measles one week and typhoid fever the next, you have only the fifteen on any one day to be cared for. I have instanced these points merely to show with what ready facility Dr. Parker turned to the shedding of light on a dark spot.

On April 12 Dr. Parker testified that two or three weeks before he had seen a new screen door on the administration building. The door was not put on until June 20, so he could hardly have seen it there two months before.

In his testimony on the ventilation of the nursery and women's infirmary wards, Dr. Parker says they can only be ventilated by opening the windows. There are two large ventilating shafts from the nursery ward to the roof, and each infirmary ward has three ventilators into the attic, the windows of which are kept open. As for there not being any room, as Dr. Parker said, at the end of the nursery where the women could go while the room was airing, if it had been necessary, there is a room nearly as large as the nursery itself.

Dr. Parker says I told him and Dr. Leach before this investigation began, at a conversation we had over their duties, "that the Board of Aldermen, even if they did have an investigation, hadn't any power to act, so that their investigation would not amount to much if the Mayor didn't want to take their report; that they hadn't any power to change anything, although they might have the power to investigate." Dr. Parker has got two conversations mixed. At a later date than February 27 we were talking over Mr. McCaffrey and his testimony and I was wondering what he expected to gain by giving such wierd testimony. I had heard he said it did not matter to him if he did get off the police force, that he had powerful friends behind him, that Mrs. Lincoln would look after him. It was also reported that he was to be appointed superintendent of Long Island or Marcella-street Home. What I said was that I did not believe the parties could deliver the goods, that the power to investigate and report rested with the Aldermen and the power to appoint or remove the commissioners, who could appoint superintendents rested with the Mayor.

Dr. Parker tried to give the impression that I ordered him to use up a lot of bad eggs on the patients. Nothing of the kind ever occurred. Last winter we, in company with many others, I guess,

used limed or cold-storage eggs. These will not keep very long after the cases are opened. On one occasion we ordered five cases of eggs. They came larger than we have been in the habit of receiving, so we had one hundred dozen more eggs than I had intended, and in order that they might be used before they spoiled I told Dr. Parker to give them to the patients freely. I used them myself up to the last, and I know they were good.

He says I seldom went through the hospital unless when the Commissioners came down. He spends, perhaps, an hour a day in the wards; Mr. Morphy all day; and yet Morphy said I used to go through the wards about daily. So I have, and sometimes several times a day.

Dr. Parker says there were no rules posted up in the infirmary. Until recently the same rules which are hanging to-day in the hospital were posted in the infirmary before I ever went to Long Island, and were one of the most prominent objects as you entered the room.

Mrs. Evans said in reply to the question as to how the Board of Visitors happened to make their special report on Long Island, "After making a few visits we found there was reason to believe that things were decidedly wrong," and on January 13 they had an informal interview with the Mayor. Now, up to that time let us see how much time had been spent on Long Island by the committee and how many visits. December 19, 1893, Mr. Ring and Miss O'Sullivan came and spent one hour and twenty-five minutes. January 1, 1894, Mr. Farmer, Mrs. Evans, and Miss O'Sullivan came. Mr. Farmer stayed one hour and a half; the other two, two hours and a quarter. January 8 Mrs. Evans came and spent six hours and a quarter. So it seems two members had been there for an hour and a half; two for a few hours more, and one not at all. Their combined stay was only fifteen hours and five minutes. Up to the day the special report was made their combined time spent on the island was less than forty hours, and it took me nearly that length of time to investigate the facts connected with just one statement made by Mrs. Evans. This was in relation to the statements by inmates that previous to January 1, 1894, the supply of food was meagre, and that they went to bed hungry, whereas since that date they had had plenty. The facts are as follows: Our principal articles of food are bread, meat, fish, rice, and beans. Our books show that from the 1st of September, 1893, to January 1, 1894, two hundred and four and a half pounds of these articles were furnished per capita, whereas from January 1 to May 1, 1894, but one hundred and ninety-eight and three-fourth pounds per capita were furnished.

Mrs. Evans said that she was not aware that any records were kept of the character and history of each inmate with a view to classification. If she had asked me I would have told her that I had been keeping them for nine months, and would have shown them to her.

Mrs. Evans testified to considerable extent on our conversations on the milk question. She never seemed to me to be able to understand it, or able to grasp the fact that trouble over the milk—

supply could come from more than one cause. I never told her I started what she calls the blue tickets the first of December, because there was so much trouble. They were started more than six months before that. I told her I had made an addition on the blue slips to our method of keeping the milk account, and she got mixed. At one time when Mrs. Evans wants to prove I did not tell the truth, she says I told her I did not know there was any trouble with the milk-supply before the first of December, when she had testified previously that I told her there was trouble about the milk often.

Mrs. Evans says I made some statements which proved to be untrue by my own records, and then going on to try to prove this falsehood, she says: "He said the trouble with the milk laid with those who served it in the hospital, and his own requisition showed that trouble lay with those who served it outside of the hospital." Now, gentlemen, take one of the requisitions and see for yourselves if there can be any possibility of truth in that statement. Neither Mrs. Evans nor any one else can tell from them where the trouble lay. She says, further, I said I started the special blue list which I showed her the first of December because there had been so much trouble about the milk, and said later, the following week, that there had been no trouble, to my knowledge, until the first of December, and I said I didn't know what the trouble was, and later said that the trouble lay with the false measure. Mrs. Evans says it could not have laid with the false measure, because that would have made it wrong every day, and that didn't explain the facts. Now, as I stated before, I did not tell Mrs. Evans I started the "blue list" the first of December. How could I with the drawer full of them before her eyes, dating back to May 8, 1893. If you will look at the paper dated December 27 you will see in what it differs from that of any previous order, and it was to that change I referred, and I showed it to Mrs. Evans. I told Mrs. Evans that there has not been any continued shortage of milk in the hospital up to December 1, and there had not, though we had had trouble, which I think I have explained. I told her I did not know where the trouble lay in December, and I did not. I also told her that some trouble we had had lay with a false measure, but that was previous to the shortage of December. I thought she understood it. If she can neither understand nor express herself in the King's English, it is no reason why I should be called incompetent or a liar. She says I said Dr. Parker didn't think it necessary to order special diets of chicken broth, etc., whereas Dr. Parker said he did. I never mentioned Dr. Parker's name, but said the physicians, as Mrs. Evans testified, and with good reason, *for they never asked for them*. She says I denied talking with Dr. Parker about it, meaning the ordering of the chicken broth. I don't deny it, and I never did. Mrs. Evans says, "Dr. Cogswell told me that inmates always had a second help when they wanted it; and in his answer here he says he never intended them to have a second help." That last is only a half-truth, entirely useless, as you have my full statement. I did tell Mrs. Evans that the inmates could have a second help, and I meant

what I said in my reply that they could have all they wanted of everything except boiled beef and salt fish. These two articles are portioned out, and you can readily understand the reason.

In correcting a misstatement, Mrs. Evans says the nursery matron was engaged or entered on her duties March 19, and that on March 20 I told her the matron had been on duty two weeks, whereas she had been on duty only one day. The nursery woman came to work March 17. I did not see Mrs. Evans on the 20th, but on the 22d I told Mrs. Evans the matron had been hired about two weeks before, and she was; hired and on duty are not synonymous.

In my reply to the special report of the Board of Visitors I said that Mrs. Evans either made a statement which she knew was false or was unfitted to hold a position on such a Board. This was on the question of furnishing flannel for petticoats. I wish to reiterate it and she can take either proposition least calculated to wound her self-vanity. If there was any question in her mind as to the issuing of the flannel why not go to our books herself and find the true facts, or else say nothing. Why not go farther and find out that the women never had flannel petticoats before this winter, either at Long or Rainsford Island; that they had the same petticoats they had always used and which are preferred by many. Again, in our conversation on this subject, she could not *seem* to grasp the fact that flannel might be issued to one part of the institution and not to the other. I don't believe any one is fitted to be on a Board of Visitors who will go around telling the subordinates in an institution that she is going to make the superintendent smart for what he has said; who after being legislated out of office will go and ask officers if they have any reports to make to the committee; who will take the word of a criminal inmate against an institution in a matter susceptible of proof, without looking up the facts, or who will refuse to tell the superintendent of charges made against him at a time when witnesses were handy to refute them, knowing full well that at another time these same witnesses might not be within reach.

There is just one remark in Dr. Putman's testimony to which I wish to call attention, to show how woefully he must have been deceived. It was made to account for the records not being kept up and to show the necessity for an interne: "The visiting physicians were too busy; they have a large amount of work to do, and they could not readily attend to it." After reading that statement I had a curiosity to see how much time it took to do our work, so I started one morning with the sick-call, made all the visits, — hospital, nursery and infirmary — wrote up the clinical histories, records, and daily prescriptions, and it took me just one hour and forty minutes.

In talking with the Board of Visitors I may have erred in not entering into minute details. They seemed, however, not to be especially desirous of talking with me, but preferred to get their information elsewhere.

Monday, July 31, 1893, after the boat had arrived, I was sitting under the trees on our lawn, when I noticed a woman picking

flowers from some of our gardens, wandering around in a peculiar manner, and finally pull her clothes part way up to her knees, put her hands on her knees and squat down. She may have been unbuttoning her shoe as she suggested here, but I have never seen it done just that way. I was a little dazed at first, but I jumped up and ran towards her, and sang out for her to get off the lawn. I asked her what she was doing there, and told her to go over to the institution where she belonged. I thought she was some partially demented inmate who had just come from the city, as I did not suppose any sane person would have acted as she did. She said she was a visitor, so I asked to see her pass, and she showed it to me. Then I told her to go up to the hospital, but to keep off the lawn and not pick any more flowers. Thereupon she shook her fist at me, said I was no gentleman, and that she'd get even with me, and I presume she thought this was her opportunity. I told her that possibly I might not be a gentleman, but that certainly she had not acted as a lady. She wanted to know what I meant, and I said if she would think it over I guessed she would know; then I turned and walked away, and the last I heard from Mrs. Esther J. Brown until she appeared here was "I'll get even with you."

The case of Edward Cuddy was brought up to show that we had made more than one mistake in regard to burials. As to what was told Mrs. Moran on Long Island I have no personal knowledge as I do not remember to have seen her. Our clerk tells me, though, that he told Mrs. Moran Edward Cuddy was buried, and that if she wanted his body she would have to see the superintendent to make arrangements before sending for it. He told her this because he preferred that I should tell her what our books showed; namely, that the body had been sent to the city for anatomical purposes, and I should have done so if I had seen her.

Before concluding I should like to read two letters, one to show the value of the observation of the Board of Visitors, the other to show either a faulty memory on the part of Mrs. Lincoln or an evident desire to mislead this committee.

In several of our dormitories the electric lights hang so low as to almost hit one's head in passing. All are very plainly discernible, and yet the following letter was written after the Board had collectively made twelve visits, the writer four, two of which were protracted, until after the electric lights were on:

12 OTIS PLACE,
BOSTON, January 31, 1894.

To the Commissioners of Public Institutions:

GENTLEMEN: I am instructed by the Committee of Visitors to inquire of you whether the brick building, as well as the hospital at Long Island, is wired for electric lighting, and if so what further apparatus would be necessary to introduce electric lighting throughout the whole establishment. The present method of lighting, as I understand, is by gasoline.

Yours truly,

ELIZABETH G. EVANS,
Secretary.

P.S. I am also asked to ascertain whether the lights burn all night, and if so, whether that is done only in the entries or also in the dormitories.

On page 1024 of the printed evidence you will find the following: “ Q. Did you talk to her in regard to testifying here?” (Meaning by her Miss McNamara.) Answer by Mrs. Lincoln: “ I told her I heard she was going to be called, and she said she did not know whether she was or not. That is all the conversation we had on the subject. I never asked her to testify, if that is what you mean.”

269 BEACON STREET, March 1, 1894.

DEAR MISS McNAMARA: I understand that you are willing to speak for the poor and unfortunate. Will you meet me at 220 Devonshire street on Friday at ten o'clock in the morning? I shall be very much obliged if you can.

Yours truly,

ALICE N. LINCOLN.

The office of Louis D. Brandeis, counsel for Mrs. Lincoln, is at 220 Devonshire street.

MR. RILEY. — Doctor, you feel better now, don't you?

DR. COGSWELL. — No, not a bit. Do you? (Laughter.)

MR. RILEY. — Yes, I think I do.

Adjourned, at 9.59 P.M., to meet on Friday, November 30, at 4 o'clock.

FORTY-SEVENTH HEARING.

FRIDAY, November 30, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALLSTRAM presiding.

CHARLES H. COGSWELL, M.D. — *Continued.*

Q. (By Mr. REED.) Doctor, I wish you would describe the method of ventilation in the hospital a little more fully, if you please.

A. Well, we have two systems of ventilation—one which might be called the “natural ventilation,” which is by means of the windows or transoms and large ventilating shafts which go from the ceiling of each ward to the roof. Those we use in the summer-time or at any time when there isn’t any necessity for heat around the hospital. Then we have an artificial force ventilation which is carried out by means of a Sturtevant blower. The way that works is this: the fresh air is taken in and carried over a coil of hot steam-pipes, and the same blower that draws in the fresh air after it passes over the pipes draws it through and forces it into the hospital ward, and when everything is closed up excepting the registers on the floors this air forces the foul air out through the registers, which are connected by means of ducts with the central ventilating flues which are in each ward, and those are only used, as I say, when we have what is called the blower on.

Q. Well, now, with your system that you have described is it possible to blow out the hospital in three quarters of an hour and so prepare it for the arrival of the boat?

A. Well, I think with that system it could be done. I couldn’t give you the exact length of time it would take to get all the foul air out of any single ward, because I have never figured on it and I don’t know.

Q. Well, was it your custom or practice, or have you ever prepared the hospital for visitors by starting up this machinery and blowing out the hospital, as one witness has testified here?

A. No, sir; I never did.

Q. Something has been said about syphilitic patients being left to attend the children in the nursery when the nursery women were taken to the administration building to work. Have you ever allowed any such thing as that to be done?

A. No, sir, I never did.

Q. Did you ever know of that being done since you have been there?

A. No, sir; I don’t remember of anything of the kind ever being done since I have been there.

Q. Nothing of the kind has ever been called to your attention?

A. No, sir.

Q. And have the nursery women ever refused to work in the administration building because that thing has been done?

A. Perhaps if you would let me explain how that thing was—or, you might say, what gave rise to the statement of a witness here, you might get at it a little quicker and a little better.

Q. I don’t think there is any objection to your doing that.

A. The nursery women, when they were sent over to the hospital to work, gave as a reason for not wanting to go—one of many, that they didn’t want to leave their children behind to be taken care of by the old women in the infirmary wards. So to get over that objection I

told them that they might take their children with them in the hospital, and leave them in the maternity ward, and they did so. At that time there was a child there suffering from noma or cancrum oris, and they got it into their heads that the child was syphilitic, and they objected to having their children stay there, and that is how, I suppose, McCaffrey got the opinion that there were syphilitic patients there. But there are no syphilitic patients there. They are in a ward that is entirely separate and distinct from that, on the other side of the corridor.

Q. That is, the maternity ward is on one side of the corridor, and the syphilitic ward on the other side, in the hospital?

A. Yes, sir.

Q. Now, the nursery ward in the main building is said by some witnesses who have testified here to be without means of ventilation except by the windows. Is that true of that ward now?

A. No, sir, it is not.

Q. Are the two large ventilators which have been described still in the ceiling of that nursery ward?

A. They are.

Q. And those two ventilators are connected through the roof with the outside air?

A. They are.

Q. You may sit, doctor, if you prefer.

A. Well, I will stand up for awhile.

Q. As to the method of ventilating the infirmary wards in the main building, is there any method excepting by the windows?

A. Yes, sir.

Q. What is it?

A. There are three large ventilators in each infirmary ward which open into the attic. The attic is a very large one, with a great many windows in it, and these windows are kept open, and in that way there is a fair ventilation of those wards.

Q. How many exits are there, doctor, from the main institution building?

A. There are—let's see, what do you mean by that? How many doors?

Q. Yes.

A. Let's see—nine.

Q. And how many flights of stairs leading from the top of the building to the ground, from the third story?

A. From the third story there are five.

Q. Five?

A. Five staircases, four iron and one wooden.

Q. Are the iron staircases located one at each end of the main building, two in the middle of the main building, and one at the rear?

A. The four iron staircases are located one at each end of the main wing and two in the centre, and the one on what might be called the dining hall wing is of wood.

Q. Are the four iron staircases enclosed in fire-proof walls?

A. They are.

Q. Are there any other fire-escapes than these on the main building?

A. There are not.

Q. Now, you have recently had constructed a new dormitory at Long Island. Will you tell me whether there are any fire-escapes on that building?

A. No external fire-escapes.

Q. And why is that?

A. Well, because with the class of people that we have down there I don't think they would be able to use such a fire-escape as is ordinarily put on the outside of a building.

Q. This is a two-story building, is it not—this new building?

- A. It is — the new building.
- Q. And the hospital is one story?
- A. It is.
- Q. The lack of fire ladders has been commented on here. Will you tell me how many fire ladders you have?
- A. We have to-day eight.
(Ald. LEE in the Chair.)
- Q. How many did you have when you went there?
- A. When I went there I don't think that there were any ladders that could be properly called fire ladders. We had ladders there but they wouldn't be classed as fire ladders.
- Q. How soon then did you procure some ladders, fire ladders?
- A. About six months.
- Q. And how many did you get then?
- A. Six.
- Q. That is, in October, 1893, you got six fire ladders?
- A. We did.
- Q. And that was long before the beginning of this investigation?
- A. It was.
- Q. Now, since the beginning of this investigation how many fire ladders have you purchased?
- A. Since the beginning of the Aldermanic investigation?
- Q. Yes, sir.
- A. None.
- Q. None?
- A. None. That is my impression. I wouldn't be exact as to that, but my impression is that the two extension ladders that we purchased upon the recommendation of the district fire chief Egan were purchased before this investigation began. That is my impression.
- Q. Then, if I understand you correctly, District Chief Egan recommended the purchase of two fire ladders, extension fire ladders, and those two ladders were purchased on his recommendation?
- A. They were.
- Q. And that is all you have added since your purchase of October, 1893.
- A. It is.
- Q. It has been said that you had a fire down there in the roof of the hospital. Do you recollect that?
- A. I do.
- Q. How much damage was done to the building?
- A. Well, what do you mean by that — how much it cost us?
- Q. That is what I would like to know, yes, and then I want you to describe the damage to the building, too.
- A. It cost us about eight dollars to repair the damage.
- Q. Who did the work?
- A. The carpentering work was done by some prisoners from Deer Island and the plastering by some inmates of Long Island.
- Q. Then you had among your inmates at that time some plasterers?
- A. We did.
- Q. And they did the work of plastering?
- A. They did.
- Q. And the inmates from Deer Island did the shingling on the roof?
- A. They did.
- Q. And all that you had to expend money for was your shingle and your material for plastering?
- A. That is all.
- Q. Then there was a fire which destroyed the Snow Cottage, so called, and it is said that a very large amount of money had been expended on that cottage previous to the fire and the loss was very great.

Do you recollect the extent of the repairs to that cottage before the fire?

A. Yes, sir, I do.

Q. How much?

A. Oh, if you mean how much it cost in money I don't remember the exact figures, but I can tell you just what we did.

Q. Well, tell us what you did, then.

A. We did a little carpentering, fixing up the windows and blinds, and we plastered three ceilings, primed the whole building inside, put a tarred roof on the building, shingled the piazza, shingled the roof of the piazza, repaired the piazza itself to a slight extent and put part of the furnace in. Pretty much the whole furnace we had gotten in.

Q. Practically how much did that cost?

A. Between \$225 and \$275.

Q. And what should you say was the value of the building as it was repaired?

Mr. RILEY. — Stop a minute.

A. I am not an expert in those matters, but from my experience I should say it would cost about \$1,800.

Mr. RILEY. — Stop a minute, stop a minute, doctor. You remember, Mr. Chairman, that when we undertook to put in values by Mr. Ryerson it was ruled out because he was not an expert. Now, a ruling that is good enough for our side is good enough for theirs, and we object to this. He knows nothing about values.

Mr. REED. — When Dr. Parker was on the witness stand he testified as to the value of this building or as to the cost to repair the hospital after the fire, and it is for the purpose of contradicting him that I offer the testimony of this witness, who is certainly as good a witness as he was.

Mr. RILEY. — Well, you cannot contradict testimony by a man who knows nothing about it. He knows nothing about the value.

The CHAIR. — Well, we will take it for what it is worth.

Mr. RILEY. — Nothing.

The stenographer repeated the last question and answer.

Q. (By Mr. REED.) When an objection is made, doctor, you had better stop until the chairman rules on it before answering the question. You say that \$3,000 was an excessive value to place upon that building?

A. I should.

Q. Mr. McCaffrey has testified that he undertook to put up some shelves in the hospital for potted plants and that you stopped him. Is that statement correct?

A. Well, I never stopped Mr. McCaffrey from putting in shelves for potted plants in the hospital.

Q. Did you ever talk with him about it?

A. Not to my remembrance. I don't remember of having talked with Mr. McCaffrey on the subject.

Q. Well, you and Dr. Dever discussed the matter, didn't you?

A. I don't think that Dr. Dever or I discussed it.

Q. But you and Dr. Parker discussed it?

A. We did.

Q. And did you and Dr. Parker decide that that was a thing that should not be done?

A. I did, yes.

Q. Do you remember Alexander Wallace, who was a patient in the hospital?

A. I do.

Q. Was Wallace an old man?

A. He was.

Q. Some witness has testified here that the night before Wallace died he was at work about the hospital. Is that true?

A. I don't see how it could be true.

Q. What was his condition for many days before he died?

A. Well, he was confined to his bed.

Q. Well, then, I don't see how it could be true that he was at work the night before he died?

A. I don't believe that he was. He never did work for a good many months — in fact, he never did any work while I was on the island. He was unable to. So it seems hardly probable that he would begin the night before he died.

Q. Did Mr. McCaffrey originate the idea to you of dividing the institution building vertically?

A. He did not.

Q. Where, if you remember, did you hear of that proposition?

A. From the Commissioners.

Q. Then the Commissioners had that plan under consideration, did they?

A. I think they did.

Q. And when the women were moved from Rainsford Island to Long Island, you discussed the matter with Mr. McCaffrey as to the best place to put those women, didn't you?

A. I did.

Q. Your opinion was that the women should be put in the top of the building, and Mr. McCaffrey thought they should be placed in one end of the building. You decided that they should go in the top of the building, and that is the disposition that was made of them. Is that correct?

A. That is correct. My idea was that they could be kept separate from the men much better confined to the upper floor of the institution than if they were placed on one side.

Q. The furnishing of your private apartments has been commented upon here, doctor. Now, I would like to ask you if all the furniture in the apartments occupied by you is owned by the city of Boston?

A. It is not.

Q. Of the furniture that is used by you what proportion is owned by yourself and what proportion by the city in value?

A. About one-thirtieth.

Mr. RILEY. — One-thirtieth which way?

Q. (By Mr. REED.) Which way, doctor?

A. Well, I own about \$3,000 worth, and the city owns about \$125 worth.

Q. Then practically all the furniture of any value in your private apartments is your own private property?

A. It is.

Q. And your library in your office is your own private property?

A. It is.

Q. (By Mr. RILEY.) And the big dog?

A. And the small one.

The CHAIR. — Interruptions are not in order now.

Q. (By Mr. REED.) Now, as to your servants, doctor, how many servants have you?

A. I have got two just now.

Q. How many have you had at one time — more than two?

A. No, never had more than two.

Q. And what are those — cook and second girl?

A. Cook and second girl.

Q. Now, does the city pay for those?

A. Yes, sir.

Q. Entirely?

A. No, sir — well, they do now.

Q. Did they always?

A. No, sir.

Q. Then at some previous time you have paid a portion of the salary yourself?

A. I have.

Q. Now, what was that, doctor?

A. By the way, I do now, too. The city allows twenty-five dollars for a cook. I got a good cook. She wanted to leave because she didn't think she would like to spend the winter down there, so I told her I would raise her pay if she would stay. I thought she was worth it to me, and she said she would, and so I paid her the advance. I didn't think it was right to ask the city to pay any more.

Q. Then the two McLaughlin girls have been mentioned as your servants, your private servants. Will you tell the committee what positions those two girls occupy there?

A. Well, one of them was my second girl, and the other one I hired for a helper or scrub woman to help the housekeeper and matron of the hospital, who at that time were having considerable trouble with the women over in the nursery, and we couldn't get them to do anything, so I at that time hired somebody to do the work that they refused to do.

Q. Then that second McLaughlin girl was in no sense your private servant?

A. No, none whatever.

Q. And Mrs. Stevens has been mentioned here as a servant in your household. Is that correct?

A. It is not.

Q. What was her position?

A. She was housekeeper and matron for the hospital, and what you might call the other part of the administration building, other than my private apartments.

Q. And she had nothing to do whatever with your private apartments?

A. No.

Q. Now, what instructions, if any, do you receive from the Commissioners as to the quality of the food that is furnished you by the people who have the contract?

A. If it isn't satisfactory, if it isn't good, to send it back.

Q. And do you act upon those instructions?

A. I do.

Q. Then when anything comes that isn't good, according to your judgment, you use every effort to have it replaced by that which is good?

A. I do.

Q. And that is your instruction from headquarters?

A. It is.

Q. Now, how does the institution get water at Long Island?

A. Why, from the city of Boston.

Q. A purchaser from the city of Boston?

A. Yes, sir.

Q. At a yearly sum?

A. Yes, sir.

Q. And you or your institution has nothing to do with the pipe — your department does not own the pipe and does not lay the pipe?

A. Not to my knowledge.

Q. You are a taker of water exactly the same as any other water taker in the city?

A. We are.

Q. Something has been said, doctor, about a speech you made down here when you took charge. I wish you would relate the circumstances and then tell us what that speech was.

A. Well, when I went over there on Monday afternoon Mr. Galvin

showed me around the institution and introduced me to the women in the hospital, and then we went downstairs and the men were at dinner, and he went into the dining-room and I stood just inside the door and he stood about half-way down the dining-room. He called the inmates to order, or tried to, and said he would like their attention for a few minutes, that he wanted to introduce their new superintendent. Well, instead of coming to order it seemed to me that they tried to make more noise than they had been making previously. Some of them scuffled their feet and banged their plates on the table and made a noise with their knives and forks. I wasn't two-thirds of the distance across this room away from Mr. Galvin and I could hardly hear what he said, and when he got through he said I might like to say something to them. I had always heard it said that Mr. Galvin had been a father to the men over there, that he had been very kind and indulgent, and had done everything he could for them. So I said, "Now, men, I will not call you gentlemen, because you have not acted as such. The way that you have treated Mr. Galvin, who has been so kind to you in the past, is a shame and a disgrace to any set of men." I said, "I have come over here to do the best that I can for you, and I shall treat you all as well as I know how as long as you behave yourselves. When you don't, and do not obey the rules and regulations of this institution, you will have to take the consequences." As near as I remember, those were the exact words that I used. If they are not exact they are pretty near it. And they didn't make any noise.

Q. (By Mr. RILEY.) That is, doctor, your speech didn't produce any applause?

A. That wasn't what I said, Mr. Riley.

Q. (By Mr. REED.) It has been said that one Herrick died in the hospital from a piece of meat being stuck in his trachea. Now, would a bristle probang be the proper instrument with which to remove that piece of meat, as Dr. Parker has testified?

A. It would not.

Q. What is a bristle probang?

A. A bristle probang is an instrument which is used for getting out foreign bodies which have been lodged in the œsophagus — not the trachea.

Q. Well, what would be the probable result of inserting a bristle probang into the man's trachea?

A. Well, probably jam the piece of meat down into his lungs.

Q. Will you describe this instrument doctor — the bristle probang?

A. Well, it is an instrument about a foot long, about as large as a lead-pencil, with sometimes a small sponge about half as large as a marble on the end, sometimes a piece of ivory, and at this same end there are bristles—when it is closed up—perhaps an inch long on the outside. It is a tube and there is a wire running through it, so that when you press it down in the œsophagus you press this down with your finger and the bristles come out and form a circle about as big as a quarter of a dollar. Then when you pull that up, if there is anything in the œsophagus it may come up with it.

Q. Are there any electric bells in the hospital?

A. There are.

Q. And will you describe where they are?

A. There is one electric bell and speaking-tube that goes from the female side of the hospital to the office and to the doctors' rooms and there is a speaking-tube and an electric bell on the male side that goes to the office and to the doctors' rooms.

Q. Do you know what Mr. McCaffrey testified to here as your conversation with him about the McDonough woman?

A. Well, Dr. Dever told me that Mr. McCaffrey told him that I

said that if I had been called twenty minutes earlier I could have saved the woman; and up here Mr. McCaffrey testified that I said that if Dr. Dever had been called twenty minutes earlier he could have saved the woman; and the truth of the matter was that I never said anything of the kind at all and never had that conversation with Mr. McCaffrey — never said anything of the kind.

Q. And would it have been possible for you to have saved the woman if you had been called twenty minutes sooner?

A. No, sir, it would not.

Q. Well, could any doctor have saved her life?

A. I don't think that they could. In fact, I know they couldn't when I was called.

Q. What was the matter with her?

A. She had puerperal eclampsia.

Q. Well, did you ever make any criticism at all upon the action of Dr. Dever in that connection?

A. I never did.

Q. And are you not satisfied that everything was done for the woman that could be done for her?

A. I am.

Q. Do you recollect what sort of a cellar this was that Mrs. Evans couldn't see down there?

A. I don't know as it was Mrs. Evans.

Q. Well, was it Mrs. Lincoln? Some witness testified here that she couldn't see the cellar?

A. Mrs. Lincoln testified that she couldn't see the cellar, if I remember rightly, and her husband testified that he couldn't see any because there wasn't any there, only post-holes.

Q. Now, what kind of a cellar was it?

A. A cellar between forty and fifty feet square, three feet deep, and about one hundred post-holes anywhere from a foot and a half to three feet deep for the foundation of the corridors and wing.

Q. You have some idiots at Long Island at the hospital, I believe, haven't you, doctor?

A. I have.

Q. Is there any other place where those unfortunates can be cared for that you know of?

A. There is not.

Q. Any other institution, I mean — not any other place in that institution?

A. There is not. We have used all possible means to get them into some other institution. I thought at one time that we might get them into the School for Feeble-minded, and I wrote to them to give them a history of the cases, and they said that that wasn't any place for them, and that they didn't know of any other place except an almshouse, and that they were proper almshouse cases.

Q. Now, I want to ask you a question in regard to Dr. Parker, doctor. You have, I judge from your testimony, been hardly satisfied with him as an assistant physician there. Have you ever recommended his discharge?

A. I have.

Q. How many times have you recommended his discharge?

A. Twice.

Q. And still he has not been discharged?

A. He was not.

Q. Now, will you tell us why he has been allowed to remain there?

A. Well, it seemed to those who were to decide upon the matter, whose judgment probably was better than mine, that if he, having given testimony derogatory to the superintendent and the Commissioners, if at that time when I recommended his discharge he was dis-

charged, it would furnish ground to our critics for saying that he was discharged on that account, and that it would have a tendency to prevent anybody who was employed by any other institution from coming here and testifying, especially if they had anything to say against the institutions; and on that account they thought possibly that he had better be kept.

Q. Then, although you have recommended his discharge twice, it has been thought best not to act upon it during the pendency of these hearings?

A. It has.

Q. Since you testified here the other day, doctor, I understand that Dr. Parker has tendered his resignation to you?

A. He has.

Q. You have spoken of the remark made by Mrs. Evans that she would make you smart for what you had said or done. Was that remark made at the secret conference between Mrs. Evans and Dr. Parker in the operating-room when you discovered and interrupted them?

A. It was.

Q. You took charge of the hospital March or April, 1893, did you not?

A. March 20, 1893.

Q. Did you find two women there named Dartmouth Taylor and Mary Reardon?

A. I did.

Q. Are those the two women who were taken to the institution on a stormy day, as Mrs. Lincoln says, just before you took charge.

A. I think that they were.

Q. And have you learned anything about the circumstances attending their being placed at Long Island?

A. Dr. Dever told me that when he went down to the "Bradlee" one afternoon — that is, just before I went there — he found these two women on board there and Mrs. Lincoln was there and wanted him to take them off and take them to the hospital on Long Island. But he said he told her that the hospital was full and that they were going to take them to Rainsford Island. But she rather insisted on it and appealed to Mr. Galvin, who was there going to Rainsford Island, and Mr. Galvin, against the advice of Dr. Dever, finally consented to have them taken off at Long Island. But they hadn't made any preparations to take them off at Long Island, expecting them to go to Rainsford. So, as it was a very cold, wintry day, they decided to take them over to Rainsford Island and back again and then have the team ready to take them up when they came back, and that was done. I didn't understand from him, though, that they were brought down from Boston by Mrs. Lincoln.

Q. No, they came from the City Hospital, didn't they?

A. Yes, they came from the City Hospital.

Q. And they were chronic cases?

A. They were chronic cases. One had a fracture of the leg and the other had a sprained hip. The one who had a sprained hip was a very old woman. As he described it to me there wasn't anything about the day as a reason why they shouldn't have been brought down from the City Hospital or anywhere else, as far as that goes.

Q. Then the only thing that Mrs. Lincoln had to do with the affair, as you understand it, was to bring them back from Rainsford Island to Long Island?

A. That is all that I understand.

Q. They weren't any wards of hers that she brought there?

A. Not that I know of. I don't think that they were. She changed the arrangements and had them go to Long Island instead of Rainsford.

Mrs. LINCOLN. — They were never meant to go to Rainsford.

Mr. REED. — Their going to Long Island was an arrangement between you and Mr. Galvin.

Mrs. LINCOLN. — I never saw them anywhere except on the boat.

The CHAIR. — And I understand she made a plea to have them taken to Long Island, with Mr. Galvin,

Mr. REED. — Yes, sir.

Mr. RILEY. — You said in your opening that she took them down.

Mr. REED. — No, I think we all understand the matter. We don't expect to satisfy you, Mr. Riley. That is too much of a task.

Mr. RILEY. — I think you will find it so.

Mr. REED. — I know that is a fact.

The CHAIR. — Go on; go on.

Q. (By Mr. REED.) Doctor, lack of classification has been charged in your institution. Now, I want to ask you if the males are not separated from the females throughout the institution?

A. They are.

Q. And the sick from the well?

A. They are.

Q. The infirm from the able-bodied?

A. As far as we can.

Q. And in the hospital you have the patients classified in accordance with their diseases, do you not?

A. We do.

Q. Now, in your judgment is there a possibility of any further classification when the new building in process of erection is complete?

A. Well, the separation of the sexes will be more complete and there will be a possibility of a somewhat better classification of the women, if such a thing —

Q. Well, that would be a good idea or scheme for classification, in your judgment?

A. What would be a good scheme?

Q. Yes, of classification — if you have ever given the matter any thought.

A. Well, the only way that I think it could be successfully adopted would be to have separate colonies — small cottages to hold anywhere from thirty to seventy-five people — and in that way you might be able to classify them, if you wanted to reform them. If you were going in to classify them according to their ability to work and obtain a living only, why the buildings that you have there now are amply sufficient, with the exception, of course, of building workshops to have them work in, and then we would need a much larger corps of overseers to see that they did work after you had provided it for them.

Q. Well, in your judgment that would be a good plan if the city would provide the means, would it not?

A. I think it would be an excellent plan.

Q. You think it would be an excellent plan to occupy the paupers who were able-bodied as well as to classify them?

A. I do.

Q. But, as I understand you, in order to bring about that result you would require more assistance, overseers for the work, more buildings, shops, etc.?

A. And some additional laws, I should think, in my judgment, to enable us to compel them to work.

Q. Then, according to the law which you have received from the law officers of the city of Boston up to within a recent time, you have understood that the authority to compel labor has been doubted, have you not?

A. I have.

Q. And your judgment is, that, with undoubted authority and with the means at your hand in the way of additional overseers and shops, that occupation could be introduced?

A. I think it could.

Q. And that with a proper system of buildings and sufficient money to carry out the plan, classification could be carried still further?

A. It could be attempted.

Q. But as to the ultimate result of the plan you don't wish to express an opinion?

A. I do not.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Dr. Cogswell, if you had been as efficient and as sympathetic a superintendent of Long Island as you have represented yourself to be, how do you account for the fact that there has been general complaint of your administration from the Board of Visitors, from officers, from ex-officers, and from inmates of the institution?

A. Well, I account for it in this way, and when I have accounted for it as to the Board of Visitors, I have accounted for it for all, because the Board of Visitors based their complaints against me almost entirely upon discontented officers, and ex-officers, and inmates. I base it entirely on this, that when I went there I went there with the intention, as I announced in my speech to the inmates, to do the best that I could for the inmates and the institution, and in doing the best for the inmates I was doing the best for the institution.

Q. Is that all?

A. Oh, no.

Q. Who were —

A. Hold on. I said, "Oh, no."

Q. I beg pardon.

A. Excuse me. I thought that the best thing for the inmates and the institution was to keep the inmates at work, and those that would not work to let them go; and I have followed that out, as far as I was able, not only with the inmates but also with the officers. And if you know those people down there at all well, which I don't know that you do, you know that they have a strong antipathy against work, and I don't think that the complaints that they would have you and the rest of the people imagine, were so general were general. It has been said here that I was not popular down there. I hope that I am not popular among a certain class of men down there. I think if you will go down there and inquire, you will find that I am fairly well liked and fairly popular with those with whom it would be a credit to me to be popular. Among the younger class down there I think you will find that I am not well liked, because instead of being content with getting one day's labor out of four, I have done the best that I could to get one day's labor out of one. And that I attribute as the great source of my trouble down there.

Q. Is that a complete answer to my question?

A. I don't know.

Q. Well, I mean so far as you are to make it?

A. That is as far as I am going to make it now; yes, sir.

Q. You say that in your opinion the Board of Visitors were misled by statements of officers and ex-officers and inmates?

A. I think so; yes, sir.

Q. Who were the officers who misled the Board of Visitors?

A. Dr. Parker and Mr. McCaffrey.

Q. McCaffrey was an ex-officer?

A. That is what I said — officers and ex-officers.

Q. Dr. Parker and Mr. McCaffrey were the ones who misled them — anybody else?

A. I don't know as to anybody else, because I have no means of knowing. They never told me where they got their information from and I have no means of knowing excepting as has appeared here.

Q. Well, they have stated in the testimony here that in addition to information which they have from time to time received from Dr. Parker they have had conversations with Miss O'Brien, with Miss Shea, with Miss McKenny, with Miss McNamara, with Dr. Dever, with Dr. Sullivan, with Mr. Morphy and with certain other of the officials. Do you say that —

Mr. REED. — Are you quoting testimony?

Mr. BRANDEIS. — Yes, sir, — as to the sources of information that were given.

Mr. REED. — I don't recall all those persons.

Q. (By Mr. BRANDEIS.) Do you mean to say that all of those others whom I have named have misrepresented facts in regard to the condition of the institution?

A. I do not.

Q. Do you mean to say that any of them have misrepresented the facts in regard to the condition of the institution?

A. I have no means, Mr. Brandeis, of distinguishing between what Dr. Dever, and Dr. Parker told them between what Dr. Sullivan and Mr. McCaffrey told him. I don't know what these individuals told them. I simply know that they made statements which were not founded on fact. Whoever told those facts, be it Miss McNamara, Mr. Morphy, or whoever else it might be, did not state what was so. If you can tell me on what they based their statements from each individual, then I can come nearer to telling you whether I should say that the individual stated what was not a fact.

Q. Well, what I ask you, Dr. Cogswell — and I wish you to answer that if you can — is how you account for the fact that these various persons whom I have named in the last question and whom the visitors say have given them information concerning the condition at Long Island under your administration and on which they have based their conclusions — how you explain the fact that that information and the statements given by those persons are of a nature to condemn your administration? Can you give any explanation?

A. I don't think, Mr. Brandeis, that I am called upon on any such statement as you make to account for the statements of people when I don't know what statements they have made. I did not say that everything the Board of Visitors complained of was not so. I only said that the things were not so that were not so, and I don't know who they got them from. Some of these other people might have told the truth, for all I know.

Q. Is there any reason that you know now why the Board of Visitors should now, and why these gentlemen here should, discredit the statements of Dr. Sullivan, Dr. Dever, Mr. Morphy, Miss O'Brien, Miss Shea, Miss Sheehan, Miss McNamara?

Mr. REED. — Mr. Morphy is the only one who has made a statement here yet.

The WITNESS. — I don't know what they said. What is the use of asking me a question unless you tell me what they have said?

Q. (By Mr. BRANDEIS.) Well, Dr. Cogswell, a man of your intelligence and training must be able to recognize this fact: These visitors have testified — Mrs. Evans particularly, very fully, that they have made inquiries, some of them from one, and some of them from other of these people, and they have stated the result of these inquiries, and on those have been based the complaints against your administration, some of which you admit, and some of which you deny. I ask you whether you can explain the fact that these various persons had united in finding fault with the administration there? I do not ask you to state whether or not it is true. You have stated that certain things that these visitors said were not true. But I ask you whether you can give any explanation of the fact that there has been this general testimony against your administration?

A. I don't see that there has been any testimony to that general effect against me.

Q. (By the CHAIRMAN.) Do you understand the question, doctor?

A. Yes, sir; I understand the question.

Q. Now, answer it if you can.

The question was repeated.

A. Now, this is my position on the matter. Do you say that all of these people have given testimony against me?

Q. (By Mr. BRANDEIS.) Yes, I say not against you but against your administration.

A. Well, against my administration?

Q. Yes, sir; and part of it has been given here and part of it has been given to the Board of Visitors when they made the investigation and the inquiries which they made under the authority conveyed to them by the Mayor and the City Council. They had an investigation and reported upon what they have seen and what they have heard, and these were among the people whom they consulted. Now, I ask you whether you can furnish any explanation for the fact that these various persons have made to the Board of Visitors reports which condemn the administration, your administration at the island?

The CHAIRMAN.—He has answered in relation to Parker and McCaffrey. I suppose neither of them are included in the question?

Mr. BRANDEIS.—Neither of them are included.

A. I don't think I am called upon to explain anything of that kind, because I don't know that it is so. You have not offered it by witness—none of your witnesses have said that these people have told them—not one of them.

Q. (By Mr. BRANDEIS.) You cannot offer any explanation of that fact.

A. I say it is not a fact.

Q. How do you know anything about it, sir?

A. How do I know? You haven't proved it here, haven't brought a single witness in here who has testified to anything, except Mr. McCaffrey, Dr. Parker, and Mr. Morphy, have you?

Q. Yes. This question includes Mr. Morphy. It does not include McCaffrey and Parker. Dr. Cogswell, the Board of Visitors testified that they obtained information from each one of these people.

A. Yes, but they don't—

Q. Wait one moment, will you? Do you mean to say that the members of the Board of Visitors lied in making that statement before this committee?

A. Certainly not.

Q. Well, I ask you, if the Board of Visitors have stated that fact, which you do not deny—if they have stated it, I ask you whether you have any explanation to offer why the Board of Visitors should not have acted upon the testimony that was given them, the information that was given them by these various people? Is there any reason?

A. Why, but I say that they have not testified to anything of the kind.

Q. They testify that they had acted upon information there, and I ask you whether there is any explanation of it?

A. Why, they might have interviewed, say, seven, and three of them might have testified against my administration, and four of them for my administration, and they, perhaps, thought that three of them were more worthy of belief than the other four, and have acted upon it. They haven't said here whom they got their information from; they haven't said whether Miss O'Brien testified for my administration or to condemn it.

(Chairman Hallstram in the chair.)

Q. Dr. Cogswell, you seem to be unwilling or unable to answer the

question which I put. I will put it in another way: Is there any person who either is or has been connected with the institution, besides Dr. Parker and Mr. McCaffrey, whom you would say had a grudge against you and who were inclined to represent your administration as wicked or as worse than it actually is?

A. I don't think that I care about answering that question, Mr. Brandeis.

Q. I care about having you.

A. Well, I might unintentionally do somebody a wrong. I don't propose to do anything of the kind if I can help it.

Q. Well, I ask you for an answer to that question.

A. Well, I shall not give it.

MR. BRANDEIS. — Well, Mr. Chairman, if we are going to proceed with the cross-examination of this witness I think he will have to answer the proper questions which I put. Dr. Cogswell has taken in regard to his testimony in this case a most remarkable position. I called him as a witness and wish to examine him in chief as a part of our case. He declines to be sworn as a witness, his counsel declines to permit him to testify as a witness. He comes here and presents to you, Mr. Chairman, and to these gentlemen, a statement which, contrary to all laws of evidence and every reasonable method of conducting an investigation, he has prepared, which contains arguments, which contains insinuations, and in the preparation of which he has had the benefit of eminent counsel.

THE WITNESS. — Do you want to testify to that under oath, Mr. Brandeis?

MR. REED. — I certainly object to any such statement as that. It is an unfair statement and it is untrue.

MR. BRANDEIS. — It is true and I will bring it out on the evidence.

MR. REED. — It is untrue.

MR. BRANDEIS. — Dr. Cogswell has taken that position here, and it is perfectly unheard of. I objected, Mr. Chairman, to that statement going in, among other reasons because it contained arguments and because it must give to the public, as I believe it was designed to give, an unfair representation of the facts in the case. You said, Mr. Chairman, and your associates said, in answer to my objections, that I should have the opportunity of the fullest cross-examination, and upon that examination I was to have the opportunity to bring out what was false, in his statement. Now, Mr. Chairman, almost the first question I put to the witness he declines to answer. I ask whether this is the method in which that cross-examination, the liberty of which you have promised me, is to be conducted here?

THE WITNESS. — Mr. Chairman, may I say a word?

THE CHAIR. — Dr. Cogswell.

THE WITNESS. — My reasons for declining to answer that question are these: I do have in mind certain parties whom I think might wish to do me an injury. I cannot prove it. I do not want to get up here and say that such and such a man would do me an injury and malign the man. I have not made any statements so far but what I can prove, and I am going to endeavor to maintain that stand here as long as I am on the stand. If Mr. Brandeis asks me a question which I cannot answer, I do not propose to answer it to suit him. If I could say that John Jones would injure me if he could, and could give good and substantial truth for my belief, I would be willing to stand up here like a man and say so. But I am not going to take that ground unless I have proof that a man would say anything to injure me. I would be injuring that man more, perhaps, than he would ever dream of injuring me, and I don't think that you, as fair-minded men as you are, will say that I have got to say that such and such a man would injure me if he got a chance.

Q. (By Mr. BRANDEIS.) No.

A. That is what you want me to say.

Q. I do not, sir. I want you to tell the truth.

A. That is what I propose to tell — the truth.

MR. BRANDEIS. — And I don't want you to withhold any of the truth. If you believe all these persons I have named have no ground for grudge against you and that consequently their statements can be relied upon absolutely by this committee or any one, I want you to say it. If, on the other hand, you believe that any of these persons cannot be relied upon by this committee and ought not to be relied upon by the Board of Visitors, I desire you to state it. I think, Mr. Chairman, that you see the reason for the question.

ALD. LEE. — Why not have him answer it separately, individually, and not collectively — yes or no.

MR. BRANDEIS. — Yes, and he can refuse if he desires, of course.

Q. Dr. Cogswell, do you believe that Dr. Sullivan has any grudge against you, or that there exists any reason why the committee or the Board of Visitors should not have relied upon statements made by him concerning the administration of Long Island under your charge?

A. That is the same question.

THE CHAIRMAN. — Mr. Witness, that is not, according to the Chair, the same question.

The stenographer repeated the last question and also the following question:

Q. Dr. Cogswell, you seem to be unwilling or unable to answer the question which I put. I will put it in another way: Is there any person who either is or has been connected with the institution, besides Dr. Parker and Mr. McCaffrey, whom you would say had a grudge against you and who were inclined to represent your administration as wicked or as worse than it actually is?

MR. REED. — Mr. Chairman, I desire to say a word. If the officers or ex-officers referred to had testified here that would make it proper to ask the doctor some such question as this. Dr. Sullivan has not testified here, and as to all these people included in that question who have not appeared here as witnesses it seems to me unfair to ask Dr. Cogswell any such question as that. He does not know what they said. They have not appeared here as witnesses.

MR. BRANDEIS. — Mr. Chairman, I do not wonder that the counsel objects to the answering of the question, but I do not believe that the objections have any foundation in reason or any fairness. Dr. Cogswell has undertaken to account for this almost unanimous testimony against him from officers, ex-officers, and inmates, upon either one of two grounds. In respect to those witnesses who have appeared here and specifically stated facts against him he has said that they were prejudiced, and that for one reason or another, which does not very fully appear, those witnesses had grounds for testifying against him and misrepresenting the facts. In regard to the others, who were the source of information and investigation of the Board of Visitors, he has said that their statements were untrustworthy, and that in an investigation for the purpose of ascertaining facts they ought to have gone to a greater extent to him and to have relied upon him. Now, Mr. Chairman and gentlemen, it appears very clearly in the testimony what method of investigation was pursued by the Board of Visitors, and that in reaching the conclusion which they did reach they did not rely upon Mr. McCaffrey's statement, and that there is no one thing in their report which rests wholly upon Mr. McCaffrey. They do state that they relied much and had good reason to rely upon Dr. Parker, but that they confirmed the facts testified to or stated to them by Dr. Parker from other witnesses, who gave them also a great deal of other testimony.

Now, Dr. Cogswell in his argument — because it can hardly be called a statement — in his argument has attempted to induce you gentlemen to believe that the testimony upon which the Board of Visitors is acting, a part of which has been put in before you, was unreliable because of an alleged prejudice which existed, as he says, on the part of Mr. McCaffrey and Dr. Parker. I desire to know whether the other avenues of information which were open to the Board of Visitors were also poisoned by that like prejudice, and I believe, Mr. Chairman, that this witness should be directed to answer, because he comes here and the only way in which he attempts to meet a large part of the statements directed specifically against him is to say that the witnesses were prejudiced against him. Now, I want to know whether those witnesses were prejudiced, and I will ask him about that later; but I want now to know whether the other people, the inmates and the officers and ex-officers, were prejudiced, and find out why they were prejudiced.

Ald. LEE. — Well, I would suggest that that question be divided.

Mr. BRANDEIS. — How would the Alderman suggest that it be divided?

Ald. LEE. — I will ask the stenographer to repeat the question, and when he comes along to a point where I think it should be divided I will ask him to stop.

(The stenographer read: “Dr. Cogswell, do you believe that Dr. Sullivan has any grudge against you?”)

A. I have no means of information on that subject. I don't know what Dr. Sullivan has testified to. If he has a grudge against me he has probably some grounds for it.

Q. (By the CHAIRMAN.) Do you know of any grudge that he has?

A. I don't know of any grounds that he would have for having a grudge against me. I didn't know until recently that Mr. McCaffrey told Dr. Dever that I blamed him for the death of the McDonough woman. I don't know what Mr. McCaffrey has told Dr. Sullivan. Dr. Sullivan hasn't unbosomed himself to me.

The CHAIRMAN. — That is an answer to the question.

Mr. BRANDEIS. — He has not answered it specifically. I asked him whether he believed that Dr. Sullivan has any grudge against him.

Ald. LEE. — He says he does not know of any.

The WITNESS. — I don't know of any.

Mr. BRANDEIS. — Well, do you believe that he has?

Ald. LEE. — How do you know but what I have a grudge against you?

Mr. BRANDEIS. — Oh, I am sure you couldn't have.

Ald. LEE. — That is a pretty hard thing to answer, you know.

Q. (By Mr. BRANDEIS.) Do you know of any reason why the Board of Visitors should not have believed the statements made to them or to any of their number by Dr. Sullivan?

A. I don't know what statements he made.

Q. Is there any reason why they should have disbelieved statements concerning the administration of Long Island made to them by Dr. Sullivan?

A. They certainly would if he made them the same as Mr. McCaffrey made statements.

Q. (By the CHAIRMAN.) Mr. Witness, will you state to this committee whether you believe Dr. Sullivan to be a man of truth and veracity and whether his word should be believed?

A. Certainly I will. I believe Dr. Sullivan intends to tell the truth.

Q. (By Mr. BRANDEIS.) Well, do you know of any reason why the Board of Visitors should not have trusted, placed faith in the statements made to them or to any of their number by Dr. Sullivan?

A. Yes, I do.

Q. What is it?

A. Well, he is a great friend of Mr. McCaffrey, so I have been in-

formed. This is only the basis of my belief — that he might possibly have based some of his statements on what Mr. McCaffrey told him. If he did he was liable to go astray.

Q. Other than that do you know of any reason why the Board of Visitors should not have believed the statements made to them or any of their number by Dr. Sullivan?

Mr. CURTIS. — I don't know how the witness can be expected to know what Dr. Sullivan may have told the Board of Visitors.

The CHAIRMAN. — That question is not asked him, but simply whether, in his opinion, the man who gave the testimony should be believed.

Mr. CURTIS. — He is assuming that he gave certain evidence, certain testimony.

The CHAIRMAN. — Whether he gave him any testimony or not, it is simply a matter of whether he believes the doctor should be believed.

Mr. CURTIS. — I don't object, of course.

Mr. REED. — He has answered that question, of course, Mr. Chairman. It is not fair to ask him whether that statement should be credited until he knows what the statement is. Dr. Sullivan might make a statement so absolutely unreliable and absurd that nobody would believe him. He should know that statement first before he is asked whether he credits it.

(By request of Mr. Brandeis the stenographer repeated the last question.)

A. I should want to know what Dr. Sullivan's statement were before I answer any question of that kind.

Q. (By Mr. BRANDEIS.) I asked you, Dr. Cogswell, whether you knew of any reason why any member of the Board of Visitors or the whole Board should not have believed any statements made to them concerning the administration of Long Island by Dr. Sullivan? You see I am asking whether you know of any reason.

A. You were asking that for the purpose, then, of letting out the Board in case they did believe something that wasn't so?

The CHAIRMAN. — Well, that is not for the witness to assume.

The WITNESS. — But what I am getting at is this —

The CHAIRMAN. — There is a question, Mr. Witness. You can answer it.

The WITNESS. — I said I believed —

The CHAIRMAN. — You do not care what the purpose of the question is?

The WITNESS. — No, this is my ground: I said I believed Dr. Sullivan was a man of truth, and if he told me a thing was so I should naturally be inclined to believe it. But I should not believe it on his statement unless I had investigated it, any more than I would anybody else. But if you say, do I know of any grounds that he would have for having a grudge against me? I might say I don't know of any grounds, and yet he might have a grudge against me.

Mr. BRANDEIS. — I ask the stenographer to repeat the last question. (The stenographer repeated Mr. Brandeis' last question.)

A. No, I don't.

Mr. CURTIS. — Now, I desire to say at this point, Mr. Chairman, that Brother Brandeis might have saved all this trouble by putting Dr. Sullivan on the stand. He was here in the anteroom several nights and they did not put him on the stand.

Q. (By Mr. BRANDEIS.) Dr. Cogswell, to your knowledge or belief has Dr. Dever any grudge against you?

A. I think he had pretty good grounds for one, yes, if he believed what Mr. McCaffrey said at the time when he was being interviewed by the Board of Visitors.

Q. You think he did have a grudge against you?

A. I don't know.

Q. Well, what grounds did he have for having a grudge against you?

A. Well, Mr. McCaffrey told him that I told him that he was practically responsible for the death of the McDonough woman. I should think that that was sufficient grounds.

Q. Is there any reason, do you know of any reason why the Board of Visitors should not have believed any of the statements made to them, or any of their number by Dr. Dever concerning the administration of Long Island while you were superintendent?

A. Please read that over.

(The stenographer repeated the question.)

MR. CURTIS. — What statement did Dr. Dever make to the Board of Visitors? We don't know.

Q. (By Mr. BRANDEIS.) Would you like the question read again, Dr. Cogswell?

A. No. As Mr. Curtis has suggested, I don't know of any reason why the Board of Visitors should have doubted any of these men if they made reasonable statements. They had no reason, as I understand it, for doubting the word possibly of any of these people if they made a fairly reasonable statement, but still I shouldn't think that they would have accepted them on their simple statement.

Q. That is, you think they would not have been justified in accepting Dr. Dever's statement as to conditions at Long Island?

A. No, I do not. I don't think they would be justified in accepting anybody's statement down there as to the condition of affairs at Long Island where they could have got for themselves a competent proof.

Q. You think they were not justified in accepting statements if all the persons whom I have named in this examination should concur more or less in various facts?

A. I can conceive of a great many circumstances that they might all testify to, and still I should accept their word.

Q. Not if they were against you?

A. Not necessarily; no.

Q. Do you know or have you reason to believe that Dr. Murphy has any grudge against you — has or had any grudge against you?

A. I don't know of any reason that he had for it.

Q. Do you know of any reason why the Board of Visitors would not have been justified in relying upon statements concerning your administration at Long Island made to them by Dr. Murphy?

A. Certainly.

MR. CURTIS. — How do you know he made any?

THE WITNESS. — Certainly they ought not to rely on his statements as to my administration.

MR. CURTIS. — We object. We don't know that he made them.

(By request of Mr. Brandeis the stenographer repeated the last answer.)

Q. (By Mr. BRANDEIS.) Do you believe Dr. Murphy to be worthy of belief? In your opinion is Dr. Murphy reliable and worthy of belief?

A. When he is talking about something that he knows what he is talking about.

ALD. LEE. — You mean now the drug clerk, Morphy?

MR. BRANDEIS. — No, Dr. Murphy, one of the assistants.

ALD. LEE. — Not Morphy?

MR. BRANDEIS. — No; he was a drug clerk, as you call him, but I asked for Morphy, one of the assistants.

ALD. LEE. — Well, I never heard of him before.

Q. (By Mr. BRANDEIS.) Do you know or have you reason to believe that Dr. Noyes has any grudge against you?

A. I might as well say here now that I wouldn't say that anybody had any grudge against me. I won't say that anybody has got a grudge against me.

Q. Do you know or have you any reason to believe that Dr. Noyes would have made any false statements concerning your administration at Long Island to the Board of Visitors?

A. I don't know that he would.

Q. Do you know whether Dr. Harkins has any grudge, or had any grudge against you, or have you any reason to believe that Dr. Harkins had any grudge against you?

A. If Dr. Harkins testified to anything against me, he is testifying to something he didn't know anything about, because he wasn't there during my administration.

Q. I asked you whether you know or have any reason to believe that Dr. Harkins had any grudge against you?

Mr. REED. — I don't see how that is material, Mr. Chairman.

Q. (By Ald. LEE.) Did you ever have any connection with Dr. Harkins officially as superintendent while you were superintendent at Long Island?

A. Not while I was superintendent at Long Island; no, sir; I did not — none whatever.

Ald. LEE. — Give us the next one.

Mr. BRANDEIS. — Well, wait.

Q. Do you know of any reason why the Board of Visitors should have discredited any statement that may have been made to them by Dr. Harkins concerning the administration of Long Island?

Mr. REED. — Now, I object to that.

The WITNESS. — I don't think I should answer that question.

Q. (By Mr. BRANDEIS.) You won't?

A. No, I don't think so. I don't feel that I could answer that question to my own satisfaction and be sure that I was telling the facts, and so I don't think that I should be called upon to answer that.

Mr. RILEY. — Insist that it should be answered, Brother Brandeis, or throw out his entire statement

Mr. REED. — I don't see how it is material what Dr. Harkins said about Dr. Cogswell. He had nothing to do with him. Mr. Brandeis might as well take the "Directory" and go through it from one end to the other and ask Dr. Cogswell in regard to every man whose name appeared there whether he had a grudge against him. You have got to have this stopped somewhere.

The CHAIRMAN. — The Chair will allow that question to be answered.

(The stenographer repeated the question: "Do you know of any reason why the Board of Visitors should have discredited any statement that may have been made to them by Dr. Harkins concerning the administration of Long Island?")

The CHAIRMAN. — The committee is waiting for your answer, doctor.

The WITNESS. — Well, I could imagine if he undertook to testify before me of something that I knew that he didn't know anything about, I should somewhat discredit his testimony.

Q. (By Mr. BRANDEIS.) That is the only reason?

A. I said that would be reason enough to me.

Q. Is there any other reason — I want the reasons.

Mr. CURTIS. — Did he testify to the Board of Visitors of what occurred while he wasn't there?

The WITNESS. — If the Board of Visitors called in Dr. Harkins to testify to my administration of Long Island, knowing as they did that he never has had any connection with my administration of Long Island, didn't know anything about it, I should think that it was a very curious thing to do.

Q. (By Mr. BRANDEIS.) Is there any reason for discrediting the

statement of Dr. Harkins? Is there any reason to believe that Dr. Harkins would tell an untruth about the administration of Long Island?

A. I should think that if he undertook to testify regarding my administration at Long Island that there was great danger of his not telling the truth.

Q. You think that Dr. Harkins would lie concerning your administration at Long Island?

A. Well, it depends somewhat on what you mean by the word "lie."

Q. A lie is to tell an intentional falsehood — intentionally to tell a falsehood?

A. I don't know that Dr. Harkins would intentionally tell a falsehood. Do you suppose I am going to sit here or stand here and say that I believe the man would tell a lie when I don't know what he said, don't know what he had said?

Ald. LEE. — Well, is there any evidence that Dr. Harkins has told the Board of Visitors, Mr. Brandeis? Dr. Harkins has not been brought here.

Mr. BRANDEIS. — Why do you stickle at Dr. Harkins?

Ald. LEE. — Well, as you go on to each individual we want to get the facts, but I don't see what the bearing of this is, and we are getting a great deal of testimony here.

Mr. BRANDEIS. — Well, this has a great deal of bearing, and I will state again, as I have stated before, what the bearing is. There has been a great detail of testimony here.

Ald. LEE. — An abundance of it which the committee will have to cut out, you know, when they come to it, by the sheet.

Mr. BRANDEIS. — Now, Dr. Cogswell has undertaken to dispose of such testimony as has been put in against him by showing — by arguing, perhaps, rather than by showing — by arguing that these witnesses were prejudiced against him, that one of them had a grudge against him because he didn't get a Christmas vacation.

Mr. REED. — Dr. Cogswell didn't say that. I said it.

Mr. BRANDEIS. — So that was you?

Mr. REED. — Yes, sir.

Mr. BRANDEIS. — Well, that was his counsel.

Mr. REED. — You had better put me on the stand.

Mr. BRANDEIS. — I would be delighted to have so intelligent a witness.

Mr. REED. — Thanks. I could tell you all about that if you want to know.

Mr. BRANDEIS. — Now, I desire, as I stated before, Mr. Aldermen, to get this witness' testimony as to whether this prejudiced source of information which has been referred to was confined to two men, or whether it extended to that vast number who had united in condemning the administration at Long Island.

Ald. LEE. — I don't want to delay the investigation, but I want to get at the facts, if we can. If we are going to reach our conclusions within the next ten or fifteen days' time it is time for us to get at facts. Now, as I understand it, Dr. Cogswell has refuted in his opening address to the committee, which the learned counsel claims was an argument, every charge that was made by every witness who took the stand here. Now, Dr. Harkins has not been here, Dr. Sullivan has not been here, Dr. Dever has not been here. Simply upon the statements made upon the direct or cross examination of the Board of Visitors they ask Dr. Cogswell now to take the stand here and say that some man lied who has not testified either for or against him. That is not fair, it is not honest, and it is not just. Mr. Chairman, let him testify to all the facts concerning his administration, but don't ask him to take the stand here and

say that some man lied when he doesn't know what he has said. Supposing I asked the doctor here if he believed it was Mrs. Evans who lied, on account of something that somebody else may have said. He would probably take the same position that I would.

Mr. BRANDEIS. — What?

Ald. LEE. — That I don't believe that Mrs. Evans would lie.

Mr. BRANDEIS. — You would be perfectly right in your position.

Ald. LEE. — But the sources of information may not have been such as I would have looked for were I one of the Board of Visitors. I am not going to argue the case now, Mr. Brandeis, and I am going to quit, because I may want to get away in a short time and you may want to cross-examine me.

Mr. RILEY. — You don't believe the visitors at all?

Ald. LEE. — Not while we pay \$13,500 to three men to look after our institutions. If I were Mayor of Boston and had three commissioners whom I did not have confidence enough in to feel that they could properly take charge of the institutions under them, with the citizens of Boston paying them \$13,500 a year, I would cut their heads off in a minute. (Applause.) That is the position I take. But the charge is as to the inefficiency, mismanagement of the institutions, not alone on Long Island, but of all the institutions, whether pauper institutions or penal institutions. Mr. Chairman, I do not want, as I said a moment ago, to argue this case now, and I am not going to do so. I shall stand here, by the will of a kind Providence, if I may be so allowed, when this committee gets through, and state my position, and I will certainly weigh all the evidence that is brought before the committee. There is a lot of it, Mr. Chairman, that should be thrown out.

Mr. BRANDEIS. — That argument of Dr. Cogswell's, for instance.

Ald. LEE. — That is all right — I might have thrown that out if I had been the chairman; but I say, Mr. Chairman, let us get down to business. Let us get at the facts, if we are ever going to get through. I know Mr. Brandeis, and I feel satisfied that he wants to get at the facts; but don't ask a man to say that another man lies when he does not know what he has said — not even whether he has said anything against him or anything for him. Let us get down to the people who have testified here and ask him if he believes they lie.

Mr. BRANDEIS. — I do not want him to say that the man lies, because I believe he tells the truth.

Ald. LEE. — What?

Mr. BRANDEIS. — I believe the man told the truth.

Ald. LEE. — Well, that is a question for this committee to determine when they come to consider the evidence — whether it is Dr. Cogswell or some other men who have taken the stand here and who have lied.

Mr. BRANDEIS. — Mr. Alderman, I wish to say that, joining with you in that sincere desire to end this investigation at an early date, I shall without any ruling of the Chair act upon the suggestion which you have made.

Ald. LEE. — Thank you.

Mr. BRANDEIS. — But I desire to say merely one thing before going on with the investigation, and it is this, that when this argument was introduced and it was suggested by one of the Aldermen that what they desired was to get information and to get it quickly, I stated that that argument if introduced would defeat that purpose; that the putting in of such a document, which is in evidence and which is contrary to the accredited methods of obtaining information upon which men are to act in the important affairs in life, would be like many an alleged short cut — that it would lead to a great deal of lengthening of the investigation, and that the only way for you gentlemen to get at the truth is to adopt that method which has been proved by the experience of mankind in all trials — to allow questions to be put and answers to

be given. And I say again, that that departure from known methods of eliciting information must lead to a misrepresentation of facts and to a prolonging unnecessarily of an investigation which was too long already. Now, I will act upon your suggestion, Mr. Alderman, because I desire to co-operate so far as it may be possible in the ending of this investigation.

Ald. LEE. — I am not going to have you sworn, but you made the remark there, Mr. Brandeis, that evidence was submitted here by Dr. Cogswell —

Mr. BRANDEIS. — A statement.

Ald. LEE. — Well, I have looked the matter up from a parliamentary standpoint in the last two or three days to see whether there was law for it being introduced in the way it was, and I find that there is. However, what I want to ask you, Mr. Brandeis, is if you believe for a moment that this committee, sitting here and listening to this testimony, are not going to weigh even that carefully and considerably, as to whether it is right to put it before the committee in that form and otherwise, giving it whatever weight that they may think it deserves after due consideration?

Mr. BRANDEIS. — I should feel confident that any Board of which you are a member would consider with great care and with rare intelligence any statements which were submitted to them; but I believe that the existence of those statements calls from me or from some one to point out to you in that mass of thousands of pages the possibilities of error and the actual errors which I believe exist. If that statement had not gone in we should have had the ordinary examination and cross-examination which Courts have found to be the only method of properly getting at questions, but such an argument, such a paper, full of insinuations, and unfounded insinuations, calls for proving here and there in order that you may see how unreliable it is.

Mr. RILEY. — It was meant for the newspapers, not for this committee. Everybody knows that.

Mr. BRANDEIS. — But I pass on. The Alderman has suggested that I confine my inquiry to those who have testified in the examination in chief here.

Q. And therefore I will ask, Dr. Cogswell, whether you know or have any reason to believe that Mr. Morphy, the nurse, has any grudge or had any grudge against you?

A. I think there was at one time an impression in Mr. Morphy's mind about me that might have lent a color to his statements — not that I think Mr. Morphy would deliberately tell a lie, because I do not. I think Mr. Morphy is ordinarily a man to be relied on, but I should not take his statements, if they were susceptible of proof, without proving them if I could.

Q. Well, what reason, if any, existed why the Board of Visitors should have assumed that Mr. Morphy would tell them an untruth in regard to the condition in the wards over which he was nurse?

A. I don't know of any that should have arisen in the Board of Visitors' minds.

Q. Well, is there any reason why this committee here, who have heard Mr. Morphy testify, should believe that he testified falsely?

Mr. CURTIS. — You mean the testimony he gave?

The WITNESS. — If you mean the testimony that Mr. Morphy gave here —

Q. (By Mr. BRANDEIS.) Yes.

A. I think that, as far as he was able, he told the truth.

Q. And that there is no reason to discredit any statement which he has made — I mean no reason for the committee to discredit any statement he has made?

A. That he made before this committee?

Q. Yes, I mean before this committee.

A. Still, for all that, he didn't tell me the whole truth.

Q. You say that he was mistaken?

A. I say that in so far as he was able to the best of his knowledge I think he told the truth.

Q. Yes. Well, now you say that Dr. Parker was prejudiced against you. Why was he prejudiced against you?

A. Well, it has been my experience in life that people, where they have done others an injury or have tried to do them an injury that they become prejudiced against such persons.

Q. Yes — does that apply in respect to you, to Dr. Parker, or Dr. Parker to you?

A. Dr. Parker to me. You were asking me the question, you know.

Q. Now, what injury did Dr. Parker attempt to do you?

A. When Dr. Parker had been there about two weeks — two months —

Q. That is, early in December?

A. Early in December, as I say, he wanted to take a week's vacation.

Q. Yes.

A. And I told him that he hadn't been there long enough to take a week's vacation, that I was willing that he should go for two or three days, but that he couldn't go for a week.

Q. Yes. Well, now, is that the reason?

A. The next day but one he went to the Commissioners with some complaints against my administration down there.

Q. What are they?

A. The most prominent was the drunkenness of Mr. Smith.

Q. Yes. You remember the date when that was?

A. I do not.

Q. The date, I mean, that he made the complaints?

A. I think it was the 23d day of December. I wouldn't be sure.

Q. It was just before Christmas that he made the complaint?

A. Yes.

Q. And the complaint was of Smith's drunkenness?

A. Yes.

Q. Any other complaint?

A. I don't remember now. I wouldn't want to say as to exactly what they were. That was the most prominent in my mind at that time.

Q. Is there any other complaint he made at that time that you know of besides Smith's drunkenness — I mean on the 23d day of December?

A. No — I wouldn't want to say.

Q. You don't know of any other?

A. Not enough to say what it was. I do know about Smith.

Q. Now, is that the injury that you say he did you and which led to the —

A. At that time?

Q. Yes.

A. That was the beginning.

Q. Well, you said a moment ago that you accounted for Dr. Parker's prejudiced statement by the fact that he had done you an injury, and I asked you what the injury was and you said the injury was the complaint which he made to the Commissioners?

A. No, excuse me, Mr. Brandeis.

MR. REED. — You interrupted him before he got through.

THE WITNESS. — That wasn't what I said.

Q. (By MR. BRANDEIS.) Well, I misunderstood you. Will you kindly state now what the injury was which you say Dr. Parker did you and which led to prejudicing him against you?

A. I didn't say anything of that kind, Mr. Brandeis.

(By request of Mr. Brandeis the stenographer read the testimony commencing "Yes. Well, now, you say that Dr. Parker was prejudiced against you. Why was he prejudiced against you?")

Q. (By Mr. BRANDEIS.) Now, I will ask you what was the injury that Dr. Parker did you which you say led to prejudicing him against you?

A. I didn't say "injury" — I said "injuries," didn't I?

Q. I understood you "injury."

(At request of Mr. Brandeis the stenographer repeated: "Well, it has been my experience in life that people, where they have done others an injury, or have tried to do them an injury that they become prejudiced against such persons.")

A. What I meant to say — well, I will let it go at that. Let it go, when they have tried to do a person an injury; but in Dr. Parker's case I didn't mean any one special injury — I meant the whole outfit. But I say there is where it began.

Q. In the injury which he did you?

A. Yes, sir.

Q. Well, now, what injury was it that he did you?

A. I don't think he did me any injury. He simply tried to. If he hadn't been trying to do me an injury he would have come to me and told me that he had seen these things instead of going to the Commissioners.

Q. I ask you what the injury was — what the injury was or the injuries were which Dr. Parker committed against you and to which you ascribe the prejudice which you say existed. Now, what is the injury?

A. Well, that he tried to injure me before the Commissioners.

Q. That is —

A. By reporting Smith's drunkenness to them instead of to me.

Q. Now, why did he report Smith's drunkenness to them?

A. I don't know why he reported it to them unless he wanted to injure me.

Q. Well, that was false, too, wasn't it? He made false statements to the Commissioners, didn't he, as well as to these gentlemen here?

A. He has made false statements to the Commissioners; yes.

Q. Now, that first statement, talking about the beginning of things, was that statement he made to the Commissioners on the 23d day of December true or was it false?

A. Well, as far as some statements that he made to them I think they were true.

Q. Well, it wasn't an injury, then, for him to state it, was it?

A. Certainly.

Q. It was an injury?

A. Certainly. He tried to injure me. He should have come to me — wasn't supposed to go to the Commissioners.

Q. That was the injury, was it?

A. Oh, no; I say he tried.

Q. Having started by telling the truth to the Commissioners you say afterwards he told an untruth, did he?

A. Yes.

Q. Well, people generally tell several untruths as the result of one. Well, that was true, was it?

A. What?

Q. What he told the Commissioners on that day about Smith?

A. On the 23d? I don't know what he told them on that day.

Q. That Smith was drunk and was a disgrace to the institution?

A. He didn't prove it; no.

Q. Well, was it true or not?

A. I don't think it was true.

Q. You believe now that Smith was not in the habit of getting drunk?

A. I haven't seen any evidence yet or heard any testimony that Smith was ever drunk excepting from Mr. McCaffrey.

Q. What kind of testimony do you require to satisfy you of an ordinary fact?

A. Well, I should like to hear at least one person say, "I believe that he was drunk."

Q. Yes, and you haven't heard any one person say that?

A. That I should believe, no, and I have investigated the matter pretty thoroughly, too.

Q. I will ask you whether in that general discredit of men you will also discredit this statement in regard to Smith:

OFFICE OF PUBLIC INSTITUTIONS,

DEER ISLAND, BOSTON HARBOR, December 21, 1893.

DEAR MR. MCCAFFREY: Did you see Mrs. Lincoln, 269 Beacon street? I wish you would and vary soon. All regret your departure from Long Island. Mr. Smith is acting deputy. He has not yet assumed the deputy's place at table. I spoke to Dr. Jenks, and he declared he left all to the superintendent. I told him about Smith's case. He told me that no man of such character would be retained. Still Smith is retained, and unless something be done with the Mayor by outside parties, and quickly, he will be confirmed. Queer, is it not? Mr. Parmelee affirms your statement about drunkenness. See quickly Mrs. Lincoln. I have no influence whatever. I have given up politicians. I sent an excellent young man to Dr. Jenks and he sent him to Cogswell. He was not taken even for receiving clerk. As a favor to the infant Saviour, born in poverty, help his poor, whose rights you so well defended.

Yours, etc.,

A. J. McAVOY.

A. What has that got to do with the case?

Q. Now, I ask you, Dr. Cogswell, whether you believe that Father McAvoy's statement in regard to this drunkenness of Smith at Long Island is untrue?

A. He didn't make any.

Q. I ask you whether you believe that Father McAvoy in pleading with Mr. McCaffrey to do something to rid Long Island of this pest, was prejudiced against your administration?

A. No, but I know of a man there that would have prejudiced him against my administration.

Q. Was Parmelee prejudiced against your administration?

A. Very much; yes, sir.

Q. Who is Parmelee?

A. He is the farmer.

Q. Why is he prejudiced against your administration?

A. That is something that I don't think has anything to do with the case.

Q. I ask you, Dr. Cogswell, why Mr. Parmelee is prejudiced against your administration?

A. I shan't tell you. It hasn't anything to do with the case in any way, shape, or manner.

MR. BRANDEIS. — I ask the witness to answer.

THE WITNESS. — It has nothing to do with the case.

MR. BRANDEIS. — You answer the question, Mr. Witness, and we will see whether it has anything to do with the case or not.

MR. REED. — He says he won't answer.

MR. BRANDEIS. — I ask that the witness be directed to answer that question.

The CHAIRMAN. — The Chair thinks the witness need not answer the question.

The WITNESS. — And, by the way, Mr. Brandeis —

The CHAIRMAN. — The witness need not answer that, Mr. Brandeis.

Mr. BRANDEIS. — I would like, Mr. Chairman, before you take a recess that this question should not be considered as closed, as to whether this witness is to answer that question or not. If I am not to have the liberty of cross-examining this witness it seems to me it will be impossible to bring out the facts, and to bring out the untruthfulness of his statement, and in particular the untruthfulness of that argument of his which you admitted here. The only way of testing the truth of that witness' argument is by showing his utter unreliability and by following him up. We would not need to follow so far if you had not allowed to be introduced here something that is not evidence in any sense; but now that that has been introduced there is no possible way in which you can follow a witness who has been devoting the last eight months to conning over his testimony except by following him up, and if every time we get him into a tight place he is to say "I will not answer;" and the Chair is to sustain him, it is impossible to properly bring the facts out and to test his credit.

Ald. LOMASNEY. — We are here for the purpose of getting at the facts in regard to Long Island. Here is a servant of the city of Boston, paid for the purpose of administering the affairs of that institution. He introduced himself, in reply to a question, the statement that he can conceive of a certain person mentioned in the letter having a prejudice against him and he mentions the person who is in the employ of the city, and is then asked to give a reason why that person should be prejudiced and he refuses. Now, certainly —

Mr. CURTIS. — It is a privatematter.

Ald. LOMASNEY. — Now, I hope the Mayor will keep quiet for a moment. (Laughter.) I want to say, Mr. Chairman, that if he did not want to tell what that person's prejudice was he should not have put that statement in here, because it is manifestly unfair to come in and say that a person mentioned in a letter has reason to be prejudiced, and is prejudiced, and then not give to the committee the statement why he is prejudiced. And I move you, Mr. Chairman, that the superintendent of Long Island be directed to answer that question. Upon that motion I ask for the yeas and nays.

Mr. REED. — Mr. Chairman, the counsel —

Ald. LOMASNEY. — I would like to have the motion put and then he can argue it, Mr. Chairman.

Mr. REED. — Before the motion is put I would like to say a word.

The CHAIRMAN. — Courtesy demands that Mr. Reed shall speak.

Mr. REED. — Mr. Chairman, the continued misstatements of counsel about what they are pleased to term a written document that has been offered here calls for some notice. No written document has been offered here by the witness — that is a misstatement. Dr. Cogswell has appeared here and has made his statement under oath. He has spoken from notes, but everything he has said he has said under the solemnity of his oath, and whether it was written on a piece of paper in front of him, and stated here with the aid of that paper or not, makes no difference. It is testimony, and oral testimony, and Mr. Brandeis has an ample opportunity to cross-examine him on that. I prepared a copy of that testimony especially for Mr. Brandeis, and sent it to his office day before yesterday. He has had two days to study it over. Now, as to the word "prejudice." Dr. Cogswell did not introduce that here. I stated in opening this case that certain of these witnesses were prejudiced, or that the foundation for the visitors' report came from prejudiced sources. Mr. Brandeis has put that word in his questions. Dr. Cogswell has not used the word, and if there is any unfairness by say-

ing that a man is prejudiced or bringing in a man's name here and asking Dr. Cogswell if he is prejudiced, it is not to be attributed to Dr. Cogswell. It came from Mr. Brandeis himself. Now, Mr. Brandeis has stated here that Dr. Cogswell has answered such evidence as has been put in against him. That is true. That is just what he has done. Mr. Brandeis undertakes to ask him to criticise certain statements that were made to the Board of Visitors. I say that is manifestly unfair, unless those statements are first read before Dr. Cogswell.

MR. BRANDEIS.—Mr. Chairman, I wish the suggestions that Mr. Reed has made had a little bearing on this point under consideration. Dr. Cogswell, like a great many people who are accused, undertakes to meet accusations by attacking those who accuse him. It doesn't make any difference who it is, they may be the most disinterested and public-spirited people in the community. They may be officials in great respect at the institutions, they may be persons who have been respected in the past and to whom he himself has given recommendations. They may be people whom he still has in his employ. But anybody who ventures to say anything to the discredit of Dr. Cogswell—and if those persons are to be believed, they cannot say much without saying things to his discredit—every person who has stated those things, no matter to whom he states them—

MR. CURTIS.—Is that an argument?

MR. BRANDEIS.—Is he to be disregarded because he is prejudiced? Now, when a jury of twelve convict a man because they think him guilty, or when one man condemns another because he thinks him guilty some people say they are prejudiced, other people say they are correct in their judgment. Now, Dr. Cogswell in his answer here, when I asked him if there was any reason why the statement made to Father McAvoy by Mr. Parmelee should not be believed, says he was prejudiced. Now, having said he was prejudiced, having answered that question, he must allow me to pursue the investigation further, and to find out whether it is a fact that he was prejudiced, or whether he was not prejudiced at all, and the doctor, under the guise of the term he has used, is concealing some fact to his own detriment which was connected with Mr. Parmelee. To say that, having testified that he is prejudiced, he can stop there and say, "I won't tell you why; I won't let you cross-examine me further," is practically to deny the right of cross-examination. If this man Parmelee is not to be trusted, a man who is now an employee of the public institutions, you gentlemen who are examining into the public institutions should know the facts. If, on the other hand, Dr. Cogswell is making a statement regarding Parmelee which ought to be trusted, you should give me an opportunity to find it out by compelling him to answer the question which I put.

ALD. BARRY.—Mr. Chairman, I shall certainly vote that Dr. Cogswell answer that question in regard to Mr. Parmelee. I have a great desire to know if there was any influence used whereby that letter was written by Father McAvoy, and for that reason I shall vote that he answer the question.

MR. CURTIS.—Mr. Chairman, just one word, please. You remember, to be fair with Dr. Cogswell, that the answer he gave was that the reason for the prejudice was something that occurred privately between him and Parmelee—nothing whatever to do with anything that has arisen in this investigation or with the institution. Now, I can conceive how Dr. Cogswell could refuse to answer that question anyway, and I think any fair-minded gentleman here would say the same thing. If he has had some private dealings in no way connected with the institution—and that is what I understood to be the case—I don't see why they should be brought in here, and I think it is proper that they should not if they are of a private nature.

Ald. LOMASNEY.—Then the proper thing to do would be to strike out his allusion to the prejudice. That would be the proper thing to do.

Mr. CURTIS.—I trust that the Alderman will allow me to go on without interruption. This committee has sat here for two hours to-night and has heard about five speeches in criticism of its allowing the witness' testimony to be admitted, and I don't know but what this sort of thing is going on as long as Dr. Cogswell is on the stand. The committee did admit it, it is in, and what is the use of taking up time further by saying it ought not to be allowed in. It is in, and I do not see why the committee want to listen to these speeches in regard to it now. But it is, of course, apparent that it struck hard, because when you hit a man hard he talks back, and this whole evening has been taken up by the talking back of these people against the witness. He certainly has hurt them badly, from the way they cry and protest, and Mr. Brandeis admits that he has answered nothing but the testimony given here against him. That is all he has done. Mr. Brandeis is an intelligent lawyer of large practice and knows how to examine witnesses, and why does he not take up the matter *seriatim* and go at the witness in a proper way, the same as we have done in regard to the Board of Visitors? There is no reason for asking hypothetical questions—whether this man is to be believed or that man is to be believed. How does he know, when he doesn't know what they say? It means simply a waste of time.

Mr. BRANDEIS.—You ought to conduct the cross-examination.

Mr. CURTIS.—I think if I did I would get more out of him than you have, and in half an hour, too.

Mr. BRANDEIS.—I have no doubt of it, with your knowledge of the man.

Mr. CURTIS.—Well, I think I could get something out of a witness by proper cross-examination without resorting to anything of this kind.

Ald. DEVER.—Mr. Chairman, it seems to me the counsel should go on; otherwise it will take us all night, and I would like to get away. I would like to record my vote on the pending question before I go.

The CHAIRMAN.—The question comes on Alderman Lomasney's motion.

Ald. FOTTLER.—Mr. Chairman, before that motion is put I would like to ask Dr. Cogswell a question. I will ask Dr. Cogswell if the feeling which existed between himself and Mr. Parmelee—prejudice, if he chooses to call it that—has anything to do with this investigation of the public institutions?

The WITNESS.—Not in the slightest.

Ald. FOTTLER.—Then I move that he be allowed not to answer that question. If it does not concern an investigation we are taking part in I do not see how it can be brought in in any manner.

Ald. LOMASNEY.—Then, following up the words of Alderman Fottler, if it does not affect the public institutions investigation why should the superintendent say that it tended to prejudice his mind so that he would inform the clergyman falsely? If it didn't affect the public institutions, if it had no weight, and was a private matter, why should he give the impression here that it was a public matter and of such a nature as to cause a clergyman to write such a letter?

Ald. FOTTLER.—Mr. Chairman, I cannot see that it was brought in in that light at all.

Mr. RILEY.—Pardon me just two or three words. I rather hesitate to take part in the debate at all, but I think this ought to be said. By the way, I may begin by answering the suggestion of Brother Curtis. He says that it is only when a man is hit hard that he talks back. He will pardon me if I remind him of the truth that sometimes a candidate is hit so hard that he never talks back. (Laughter.)

Mr. CURTIS. — That is hardly like your usual fairness, Brother Riley.

Mr. RILEY. — Now, Dr. Cogswell refuses to answer a question which is plain and simple and which no honest man, it seems to me, should refuse to answer. He has two or three times previously intimated that he would not answer certain questions. He has by his manner and speech undertaken to direct the cross-examination. He should be taught that he cannot do it. Of course, you have no power to compel him or any witness to answer a question if he become stubborn and refuses to do so; but you have this power — and it is the only way to reach him or any stubborn witness here — if he refuses to answer any question it is in the power of the committee to throw out his entire testimony and let him go about his business. That is the way to treat such a witness.

The CHAIRMAN. — The question comes on Alderman Lomasney's motion, which the clerk will read.

Clerk BRAWLEY. — "That Dr. Cogswell be directed to answer the question why Parmelee was prejudiced."

The question was put on the adoption of the motion, with the following result:

Yeas. — Ald Barry, Dever, Lomasney — 3.

Nays — Ald. Bryant, Fottler, Hallstram — 3.

The CHAIRMAN. — The committee has voted that the witness may not answer the question.

Mr. BRANDEIS. — How is that?

Mr. CURTIS. — If a member makes a motion and the vote stands tied, of course the motion is lost.

Ald. LOMASNEY. — I ask that the vote be announced so that we may know what it is. I have not heard the Chair announce the result of the vote.

The CHAIRMAN. — The vote stands three that Dr. Cogswell shall answer it and three that he shall not. Therefore the motion is lost. The committee will now take a recess until 8 o'clock.

The recess was taken at 6.45 o'clock P.M.

EVENING SESSION.

The hearing was resumed at 8 o'clock P.M., Chairman HALLSTRAM presiding.

CHARLES H. COGSWELL, M.D. — *Continued.*

(CROSS-EXAMINATION resumed)

Q. (By Mr. BRANDEIS) Dr. Cogswell, what was Father McAvoy's connection with Long Island?

A. He comes down there once a fortnight and holds Mass, and he comes down every alternate week and hears confessions and tends to the sick in the hospital.

Q. Well, Father McAvoy had had occasion, then, from time to time, to familiarize himself with conditions at Long Island, didn't he?

A. Well, he hadn't had very long at the time that he wrote this letter.

Q. How long had he had?

A. Well, he had been there a few weeks—perhaps a month or two or three months.

Q. When did Father McAvoy first come professionally to Long Island?

A. I do not know.

Q. How long after your coming there did he first come to Long Island?

A. Some little time. I don't know exactly how long. Father Foran was there when I first went there, I think, unless I am mistaken. I may be mistaken.

Q. Well, Father McAvoy didn't have any grudge against you, did he?

A. Not that I know of.

Q. You don't know of any reason why he should be prejudiced against you, do you?

A. No.

Q. He is a man of intelligence, isn't he?

A. Yes.

Q. And a man who can judge fairly well whether men are telling him the truth or are not?

A. I don't know as to that.

Q. Well, do you have any doubt about it?

A. Well, if he believed what Mr. Parmelee said without any investigation I think that his judgment in that case was poor.

Q. And you think his judgment was poor because he believed something bad against you?

A. He didn't believe anything bad against me.

Q. Didn't he?

A. Not to my knowledge.

Q. He believed that you, in spite of repeated remonstrance, would not do anything to remove Smith, who was a drunkard, didn't he?

A. Well, but there weren't repeated remonstrances.

Q. Weren't there?

A. Oh, no.

Q. Well, you said in answer to my statements somewhat earlier that the inmates were not universal or unanimous in condemnation of you. Is that the fact?

A. That is my impression.

Q. That they would stand by you in part?

A. Some of them would.

Q. Well, you know of a certain investigation, don't you, down there, that was undertaken by the Aldermen in person?

A. Yes, from hearsay.

Q. Well, you have read the report of it, haven't you?

A. I think I have.

Q. Yes.

A. I won't say, though, that I have, but my impression is that I have.

Q. I want to ask you if you don't remember this portion of that investigation? This is a question addressed by Alderman Barry to Mr. Doran:

Now, Mr. Doran, you have made a statement that you have seen this gentleman here, Mr. Smith, in company with Dr. Cogswell, drunk—that is, Smith being drunk. How often within six months have you seen him drunk in the company of Dr. Cogswell?

A. I could not stay, but I recollect one instance well.

Q. How many times do you recall his having been drunk when he has not been with Dr. Cogswell?

A. Twenty times.

Ald. BARRY. — I will ask the other gentlemen here in the room—is this man telling the truth?

CHORUS OF INMATES. — Yes, sir; he is.

Ald. BARRY. — Another question—is there any man in this room who will say he is telling a lie?

CHORUS OF INMATES. — No, sir.

ONE OF THE INMATES. — I will say I never saw the man drunk — I don't know whether he is telling the truth or not.

Now, you know of that — you remember now, don't you, the hearing?

A. I remember the hearing, but I wasn't there.

Q. Did you ever read the report of the testimony?

A. I wasn't there.

Q. Do you remember reading the report of the testimony?

A. I remember reading that report; yes.

Q. And you remember that a large number of inmates were present?

A. No, I told you I was not there.

Q. You remember hearing of it at the time?

A. Yes, sir, — but there was not a large number of inmates there, as I was told.

Q. How many?

A. I should say twenty-five or thirty.

Q. And there was not one man that would deny that statement?

A. I don't suppose so, with the gang that got in there, unless I am misinformed.

Q. Now, who among the inmates down there are there that you would trust — that is, for a favorable opinion of you?

A. I don't know — didn't ask them.

Q. There isn't any one, is there?

A. I suppose so.

Q. Name them — some one on whose testimony you could rely?

A. I wouldn't say I would rely on anybody's testimony.

Q. There isn't any one down there that you think would testify favorably to you, is there?

A. Yes, sir; I think there are a great many.

Q. Name one?

A. Well, I think —

Q. You may be able to produce this particular one, if you will give us one.

Mr. REED — Produce all you want us to, I guess.

The Witness — Well, I think a man by the name of Winslow down there will testify.

Q. (By Mr. BRANDEIS.) Let us have another one?

A. A man named Murray.

Q. Which Murray?

A. James.

Q. Yes.

A. A man named Rochefort.

Q. What is his name?

A. Nicholas.

Q. Yes.

A. Peter Hencher.

Q. Yes.

A. Daniel McDonald, John S. Robertson, George F. Phillips, P. O. Cullen.

Mr. CURTIS. — Do you want the names of some of the women, Mr. Brandeis?

The WITNESS. — Tim Cadigan.

Q. (By Mr. BRANDEIS.) Well, now, are these men whose names you have given us among the old or among the young men down there?

A. Most of them old men, one or two young men.

Q. That is, the old men you deem to be favorable to you, do you?

A. Well, it depends entirely on what you consider favorable.

Q. Well, do you consider Frank Palmer responsible and trustworthy?

A. To a certain extent; yes.

Q. And his statements to be relied upon by the visitors?

A. Depending entirely upon what he was testifying to.

Q. Well, if he was testifying against you you would consider his testimony reliable?

A. Depends entirely on what he was testifying to, whether he was testifying against me or for me. It would depend on what he was testifying to.

Q. Now, upon what subject should you consider his testimony valuable?

A. Well, if he testified in regard to the hospital I shouldn't consider it of any value.

Q. Supposing he testified in regard to the institution, whether he had enough to eat or not?

A. Well, it would depend entirely on circumstances. He might say that he didn't get enough to eat, and you and I might think that he got more than an ordinary man ought to have. That is one of the great sources of trouble down there, the amount which they think they ought to have to eat.

Q. Well, you admit, then, that there is general trouble down there, general complaint, however well founded it may be?

A. No, I don't admit that there is general complaint.

Q. You do not?

A. No.

Q. I thought you said their was?

A. I said that is one of our sources of trouble down there.

Q. Well, you put an adjective before "sources of trouble" down there when you used the term before.

A. Did I say "great trouble"?

Q. Yes.

A. Well, it is one of the sources, not of trouble especially, but they do make a good many complaints sometimes. I have known a man to eat a quart and a half of boiled rice and then say he was stinted on rice. I thought he had a quite enough.

Q. Well, you admit, then, that complaint in regard to the quantity of food has not been rare?

A. Well, I should say that it was not rare.

Q. Well, it began very early in your administration, didn't it?

A. Well, my impression is that it began early in my administration, and as a sort of a relic from the old administration, and has been continued.

Q. As a matter of fact you do know that it began early, don't you, — whether it is a relic or not you don't know anything about?

A. Well, I should judge from my experience that it was a relic.

Q. Well, do you know anything about its being a relic?

A. Only what they tell me. They tell me they get more than they did before. That is all.

Q. Will you tell me whether you remember hearing anything about this:

RAINSFORD ISLAND, April 24, 1893.

DEAR MRS. LINCOLN: Pardon me for again annoying you. I have received positive information from both "officials" and inmates at Long Island that neither are getting enough to eat. Report has it that the inmates are positively "starved." There are six more "officials" to be fed on Long Island to-day than before the "transfer" March 20, and yet the subsistence has been reduced.

The subsistence for the inmates was reduced at the time the male inmates went out, but there has been very little extra ordered since the 170 odd men were transferred from here — that is from Rainsford Island.

If you can get a chance to visit Long Island I will tell you confidentially that if you speak to Mr. McCaffrey, deputy; Mr. Morphy, steward; Mrs.

Dacey, infirmiry matron; Miss O'Brien, hospital nurse, and others, you will learn of the truth of what I write.

It is a positive shame to make a record of economy at the expense of ill-feeding inmates of a pauper's home.

Three of the matrons appointed by the new superintendent for duty at Long Island have resigned within the last few days. This letter, like my others, you will please consider a personal one just at present.

It appears every one at Long Island is afraid to take the initiative in making any complaint. Hence this letter.

Respectfully yours,

DANIEL S. HARKINS.

Mr. CURTIS. — I suppose you were under a pledge of secrecy in regard to that letter?

Mr. BRANDEIS. — Well, you see it is dated April 24, 1893, and the request was that it should be considered personal "just at present."

Mr. CURTIS. — Well, I suppose he has relieved you from that.

Mr. BRANDEIS. — Well, I supposed by the terms of it I was relieved.

Mr. CURTIS. — Well, that is what I wanted to know — whether it was the terms, or whether he told you you were relieved.

Mr. BRANDEIS. — "You will please consider this a personal one just at present."

Mr. CURTIS. — I should think so when he wasn't an officer at the island.

Mr. BRANDEIS. — April 24, 1893 — that was a month and four days after Dr. Cogswell assumed control of the island.

Mr. REED. — Was that written from Rainsford Island or from Long Island?

Mr. BRANDEIS. — From Rainsford Island.

Mr. REED. — That was after Dr. Harkins left Long Island — probably applied to Mr. Galvin's administration.

Mr. BRANDEIS. — "City of Boston, Home for Paupers, Rainsford Island, Boston Harbor, April 24, 1893."

Mr. REED. — Rainsford Island.

Mr. BRANDEIS. — "Dear Mrs. Lincoln Pardon me for again, annoying you. I have received positive information from both, officials' and inmates at Long Island that neither are getting enough to eat," and then follows the reference to Long Island.

Mr. CURTIS. — I should have thought that the officers themselves would complain instead of sending over to Dr. Harkins.

Mr. BRANDEIS. — This is the close: "It appears every one at Long Island is afraid to take the initiative in making any complaint. Hence this letter."

The WITNESS. — Please read over again there what he says about the three new matrons engaged in the hospital.

Mr. BRANDEIS. — "Three of the matrons appointed by the new superintendent for duty at Long Island have resigned within the last few days." Now, Dr. Cogswell —

Mr. CURTIS. — I beg pardon. He asked him a question about that letter and then read the letter. Now let him answer what he has got to say about that. What has the witness got to say about the letter.

Mr. BRANDEIS. — Let us hear what the question was.

Mr. CURTIS. — You asked him some question.

Mr. BRANDEIS. — You are correct.

Ald. LEE. — How about those matrons down there — is that so?

Mr. BRANDEIS. — I was going to ask to have the question put to him that remains unanswered in regard to this letter.

The stenographer read the following:

"Q. Will you tell me whether you remember hearing anything about this?" — (preceding the reading of the letter).

A. No, sir, nor anything of the kind.

Q. Well, you did hear almost immediately after that some complaints, didn't you?

A. No.

Q. Didn't you have some correspondence with Mrs. Lincoln in regard to it?

A. Not to my remembrance? I might have, but I don't remember it.

Q. You don't have any recollection of it?

A. No.

Q. Perhaps I will refresh your recollection a little later?

A. Well, I don't say that I didn't, you know. I merely say I don't remember it. I had some correspondence with Mrs. Lincoln and I wouldn't say what it was about.

Q. Or when it was?

A. No, nor when it was?

Q. Now, Dr. Cogswell, you said Mr. McCaffrey was prejudiced against you?

A. Oh, I will say this, that when he talked about three matrons being engaged and resigned immediately he is talking about something which did not occur, because I didn't engage any three extra matrons for the hospital. And those that were in the hospital when I went there and those that came afterwards stayed for a good many months.

Q. Well, Dr. Cogswell, you said that Mr. McCaffrey was prejudiced against you, didn't you?

A. It seemed evident that he was.

Q. Why should he have been prejudiced against you?

A. Well, the first thing that I remember of that I didn't agree with him in was that he wanted me to let him bring his wife and children down there to live.

Q. Yes.

A. And I didn't approve of it. Then he came down there with the impression that he was going to be superintendent of Rainsford Island in a few weeks' time.

Q. Yes.

A. I think he had an idea that I didn't assist him in that quite to the extent of my ability, although I wouldn't say as to that. That is only an impression.

Q. Then the only reason that you think of, that you wish to state why he should have been prejudiced against you was that you didn't consent that he should bring his wife and family down there. Is that all?

A. No.

Q. What else?

A. I didn't use to agree with Mr. McCaffrey in a great many things.

Q. You mean in regard to the administration of the island?

A. Yes. I used to correct him once in a while, and I have noticed this down there, that immediately you correct a man he thinks that your usefulness has passed and that you are no good.

Q. Well, that is a peculiarity of Long Island, is it?

A. No, I don't think it is.

Q. It is a general peculiarity among mankind?

A. Among a certain class of men; yes. I don't think it would be among men as intelligent as you are, certainly, because if anybody had occasion to correct you you wouldn't think they were your mortal enemy for life or you wouldn't want to put the knife into them if you got a chance.

Q. Now, Dr. Cogswell, what evidence did Mr. McCaffrey give during the time he was down there of prejudice against you?

A. Well, when he was down there I don't know that he gave any,

excepting that, as I say, he told Dr. Dever this thing that I know was untrue, and I don't know what he might have said to others.

Q. Well, you say he said it to Dr. Dever. When did you find out that he said it to Dr. Dever?

A. Oh, some time last spring — this last spring.

Q. You had a very high opinion of Mr. McCaffrey, didn't you?

A. I did at one time; yes.

Q. Well, you did up to the time that he began to testify against you, didn't you?

A. No, I did not.

Q. When did you cease to have a good opinion of Mr. McCaffrey?

A. About a week after he left the island.

Q. A week afterwards?

A. Yes, sir.

Q. How did you come to change your opinion?

A. Well, I asked Dr. Heath why he didn't thank me for the vegetables I had been sending him all summer long and he said, "I haven't received any vegetables." I said, "I have been sending them to you all summer," and he said, "I didn't get them." — "Well," I said, "you had better look and see whether you did or not," and he did and he found out that he hadn't and Mr. McCaffrey had been sending boxes of our choicest vegetables up town with the understanding that they were to go to Dr. Heath. I found out afterwards from an expressman and from the men on the boat that they went to his own home.

Q. That is the reason that made you change your opinion?

A. I changed my opinion after hearing that.

Q. Who was the expressman from whom you found that out, doctor?

A. The man that used to deliver the goods.

Q. What is his name?

A. I don't know what his name is. I got that through Dr. Heath.

Q. Who is the man on the boat to whom you have referred?

A. Collins, the mate, to whom he used to deliver the goods.

Q. Dr. Heath said he hadn't received any vegetables?

A. Said he received one box in the middle of the summer.

Q. How many did you send?

A. I sent one nearly every Saturday.

Q. That is what induced you to change your opinion, is it?

A. That is one of the things; yes, sir.

Q. Anything else?

A. Yes. I heard that he used to have one of the nurses in his room until twelve or one o'clock in the morning.

Q. Whom did you hear that from?

A. I heard that from one of the matrons down there.

Q. Whom did you hear that from?

A. I heard it from Mrs. Whitney.

Q. Is that the drunken woman that Mr. McCaffrey testified about as being drunk?

A. Yes, she was the —

Q. When did she say that about Mr. McCaffrey — after he had testified against her here?

A. No, I think it was before, because at the time he testified — I was going to say that she wasn't there at the time he testified and I don't think he was. It was before he testified here that she told me that — and then, too, simply because a person has drank eight or ten years before it does not militate against their telling the truth.

Q. Well, who was the nurse that this woman said he had in his room?

A. I don't think I am called upon to state that.

Q. I think you are.

A. She isn't there now. I shouldn't say.

Q. I think you should, as long as you have made a statement here letting that part of it out?

A. I don't think the committee would ask for anything of that kind.

Mr. CURTIS. — What purpose will it serve?

Mr. BRANDEIS. — It will serve this purpose — to show that this witness comes and makes statements that are not true, and whenever we begin following them up you say, "Stop."

Mr. REED. — That is your opinion.

Mr. BRANDEIS. — It is my opinion, of course.

Mr. REED. — You are entitled to it.

Mr. CURTIS. — He has given the name of the informant, and what purpose would the giving of the name of the woman serve except to gratify idle curiosity? He has stated the name of his informant.

Mr. BRANDEIS. — And I propose to know in regard to this story he has stated.

Mr. CURTIS. — All you have to do is to get Mrs. Whitney here.

Mr. BRANDEIS. — I shouldn't trust Mrs. Witney, from what has been testified to about her. I would like the witness to answer this question.

Mr. CURTIS. — I object to dragging this in. I think the name of the woman should not be stated here.

The CHAIRMAN. — The Chair rules that the question may be answered.

The WITNESS. — Mrs. Dacey.

Q. (By Mr. BRANDEIS.) And you have retained her as nurse?

A. I have not.

Q. When did she leave?

A. She left two or three months before I heard this statement.

Q. Where is she now?

A. She is at Rainsford Island as a matron there.

Q. Well, now, don't you know, Dr. Cogswell, that Mr. McCaffrey never said a word against you to any one outside of the institution until Father McAvoy requested him to do as a matter of religion and of humanity?

A. I don't know anything about it, sir.

Q. Do you doubt the statement that has been made?

A. By whom?

Q. By Mr. McCaffrey to that effect?

A. I certainly do.

Q. Do you doubt the statement that has been made by Mrs. Lincoln, that he never said anything to her in regard to the management of the institution until he come in pursuance of Father McAvoy's letter?

Mr. CURTIS. — Just a moment — Mrs. Lincoln did not testify to that. I think you will find that Mrs. Evans testified something about that.

Q. (By Mr. BRANDEIS.) Do you doubt the statement of Mrs. Evans that Mr. McCaffrey did not come to her and did not make any complaints to the Board of Visitors?

A. I do not.

Q. Well, what reason have you to believe, then, that Mr. McCaffrey made a statement to anybody until Father McAvoy wrote that letter in which he pleaded with him to go and use his influence in the cause of humanity?

A. If he hadn't talked with some one outside the institution Father McAvoy wouldn't have known anything about it.

Q. Wouldn't he?

A. No.

Q. Isn't Father McAvoy connected with the institution?

A. No, sir.

Q. Hasn't he an official position which brings him there?

A. Not that I know of.

Q. Isn't it a part of his duty in connection with the public institutions to go regularly there, or wasn't it then?

A. Well, he didn't hold any official position under the City Government.

Q. Well, isn't it a fact that he was officially connected, whether he was paid by the City Government or not? I don't suppose Father McAvoy was paid by the city of Boston for ministering to the —

A. I told you exactly what Father McAvoy did, that is all.

Q. You said that Mr. McCaffrey was prejudiced against you and I have asked you whether it is not a fact that, so far as you know and so far as you believe, McCaffrey never said one word against you to anyone outside of those connected with the institution until in pursuance of that letter of Father McAvoy's he went to Mrs. Lincoln?

A. I never heard about it.

Q. Have you ever heard of his saying a word to anybody outside of that until Father McAvoy directed him in the cause of humanity to do it?

A. No; I shouldn't be likely to.

Q. Well, why should you say, then, that he was prejudiced in making complaints against you, when he made no complaint while he was there or after he left until Father McAvoy told him he begged him to do it?

A. Because he didn't tell the truth.

Q. That is, you think he is prejudiced, or want these gentlemen to believe he is prejudiced, because he has testified against you?

A. No, because he didn't tell the truth. I don't care about his testifying for or against me if he told the truth in what he said. If he told the truth he wouldn't have said much against me.

Q. Well, the only evidence of prejudice you find, then, is in the charges which he makes here?

A. No. That wasn't what I said.

Q. You said there was no evidence outside of prejudice —

MR. CURTIS. — There was enough appeared when he was on the stand here to show that he wasn't telling the truth.

MR. BRANDEIS. — Is counsel arguing here?

MR. CURTIS. — No, but you have been doing so all the evening, and I thought I would take a hand at it.

MR. BRANDEIS. — We seem to get arguments from witnesses as well as from counsel on your side.

THE WITNESS. — How was it on yours?

Q. (By MR. BRANDEIS.) Well, I say you know of no facts indicating prejudice on Mr. McCaffrey's part other than the testimony which he has given here?

A. That is all that I know of. That was enough.

Q. Didn't Mrs. Evans ask you about McCaffrey, whether McCaffrey was reliable and trustworthy?

A. I don't remember.

Q. Don't you remember a conversation she had in which she expressly asked you about him?

A. No, sir, I do not.

Q. Don't you remember the day that Mrs. Evans saw you in your parlor when you were ill, that she asked you that question?

A. No, sir; I don't remember anything about it. If she says, if Mrs. Evans says, that I told I thought Mr. McCaffrey was worthy of belief, upon her asking me about it, I don't doubt but what I did. I had no reason at that time to think that Mr. McCaffrey under ordinary circumstances was not worthy of belief. But after hearing him testify here under oath, and knowing what I do know, I know that he is not. I can't be responsible for what others know, but I know.

Q. That is, you had a high opinion of McCaffrey's responsibility and trustworthiness until he testified against you?

A. No, not high opinion, but I thought, as I say, that he was ordinarily worthy of belief.

Q. Well, you gave him a very good recommendation when he was going to be police officer or wanted to be police officer of the city of Boston, didn't you?

A. I certainly did; yes, sir.

Q. And it was partly upon your [recommendation that he was appointed to that important office?

A. I don't doubt but what it was.

Q. Yes, and he had reason to be thankful to you for the way you had helped him?

A. He ought to have been.

Q. And he testified that he was, didn't he?

A. Well, that was about as comical a thing as there was in his whole testimony, after listening to him here for two or three days.

Q. But didn't he, as a matter of fact, testify that he had always considered you as a friend and that he was indebted to you for the recommendation which you had given him to the Police Commissioners, and that he testified as he did because he felt that friendship here should not control, and that he owed a duty to humanity to do as Father McAvoy had directed him to?

A. That is what he said.

Q. Yes. Well, now, Dr. Cogswell, you have stated in your argument that you did not direct any part of it to certain pages of what you called the opening argument of counsel. Do you remember in that opening argument what were considered and stated to be the main, the important grounds of charges and complaints against the management of Long Island?

A. Well, Mr. Brandeis, I haven't read that since last June and I don't.

Q. Well, but your answer undertakes, or your argument undertakes, to answer certain charges, and are you of opinion that it answers fully all of the important charges, as you call them, in the opening argument?

A. Well, I thought that in so far as they referred to me that I fairly covered the ground.

Q. Well, what part of those arguments do not refer to you?

MR. REED. — You mean, Brother Brandeis, the arguments which were supported by evidence, I presume. He referred in a general way to those not supported by evidence.

THE WITNESS. — I should have to have the argument before me in order to point out what I didn't think referred to me.

Q. (By MR. BRANDEIS.) I will submit it to you in a few moments. You stated, as I understand it, that the management of Long Island by you has not been changed in any material respect pending the investigation or practically since January last. Is that a fact?

A. I don't have any recollection of saying any such thing.

Q. Well, has it been?

A. It has, certainly.

Q. Well, in what material respect has the management been changed?

A. Why, I appointed a first assistant physician in the hospital over Dr. Parker and Dr. Leach, and I assumed the active practice in the hospital myself.

Q. Yes; what else?

A. That is all that I — well, what you might call a new departure was in the employment of a chief nurse in the hospital.

Q. When was that?

A. That was this fall; I think in September.

Q. Yes, you put in a head nurse there. Who was that?

A. Mrs. Kinney.

Q. How did you happen to put her in?

A. We put her in because we thought that we were going to enlarge the hospital, and we thought that it might be a good idea to get a start in the direction that we had hoped to carry out.

Q. Well, at whose suggestion was she put in?

A. She was put in at the suggestion of Dr. Jenks.

Q. Is that the only person who suggested her?

A. Well, he was the first person that suggested it, and I think I may say that she was —

Q. Well, you say the first person; what other persons made the suggestion?

A. Well, I wouldn't want to say. My impression is, I know, that the direct authority to engage a first assistant over Dr. Leach and Dr. Parker came from His Honor the Mayor. But whether he suggested the head nurse or not I am not prepared to say. I know, though, that Dr. Jenks told me to look out for a head nurse before His Honor suggested the assistant physician. He might have suggested the head nurse at the time that he suggested the new assistant, but I —

Q. You had a visit from some distinguished personages, didn't you just before Mrs. Kinney was appointed?

Ald. LEE. — When was this?

Mr. BRANDEIS. — This fall — last August you had a visit from some distinguished personages, didn't you?

A. Yes, we did.

Q. Who are they?

A. His Honor the Mayor, Dr. Jenks, Dr. Rowe, Dr. Putnam, and I don't remember who the others were.

Q. Yes, and at whose suggestion was Mrs. Kinney selected for that important position?

A. Mine.

Q. Did you know her?

A. No.

Q. Well, how did you happen to select her from the large number of women in Massachusetts?

A. I selected her. I went to one or two people to know if they knew of any one whom they thought was fitted for the place, and Dr. Rowe told me that Mrs. Kinney had come to him and begged him to get her something to do if he could, that she was going to lecture before the Emergency and Hygiene Association in the fall and that she wanted to get something to do between that time and the fall, and he thought that she was a very good person for the place. He recommended her and on his recommendation and after talking with her once or twice — twice, I believe — I engaged her.

Q. And she remained how long?

A. She remained until the first of November.

Q. She had an important position?

A. Yes.

Q. And an important salary as compared with other nurses?

A. Yes, she did.

Q. Far more than anybody was paid at the hospital besides — more than twice?

A. She did, because it was a very responsible position. We expected a good deal from her and we thought she was worth it.

Q. And she stayed until when?

A. The first of November.

Q. Who took her place then?

A. Miss Elizabeth McPhail.

Q. Has she the same important position?

A. She has.

Q. And the same important salary?

A. She has.

Q. Just the same as Mrs Kinney had ?

A. She has.

Q. What is that ?

A. Seven hundred dollars a year.

Q. Well, now, Dr. Cogswell, besides these two changes—the appointment of an assistant physician and the appointment of a head nurse—by the way, Mrs. Kinney and Miss McPhail are both trained nurses, aren't they ?

A. Both graduates from the school ---

Q. In the Massachusetts General Hospital ?

A. Yes, sir; and Miss McPhail, also, graduated from the Boston Lying-in.

Q. Now, besides those changes which you have made pending this investigation, what others have you made ? Those are both improvements, I suppose, you consider ?

A. I considered them as such or I shouldn't have recommended them.

Q. Now, what other improvements have you made—I mean not only in the hospital but generally, the hospital and institution, making it a general question ?

A. Well ---

Q. If you would like to look at your argument for the purpose of refreshing your recollection, you are at liberty to do so.

A. If I remember, in my argument, as you call it, I didn't say we made any improvements.

Q. Well, I didn't know but some of the statements there might refresh your recollection.

A. No.

Q. Now, is there any other improvement you made besides the physician and having at the head a trained nurse ?

A. I have got a storekeeper in addition to the receiving officer. At the time I went there the receiving officer was the storekeeper.

Q. Who was the receiving officer ?

A. Mr. Smith.

Q. Well, who was after Smith left ?

A. Well, a man—I think his name was Canfield.

Q. He was an inmate, wasn't he ?

A. Oh, no; he was a officer at Deer Island.

Q. Well, he is there still, is he ?

A. No, I let him go and another man by the name of Griffin, and I let him go and I got a man by the name of Davidson and he is with us still.

Q. Well, now, this Davidson—in what sense is he an improvement over what Canfield and Griffin were ?

A. Well, I consider him a great improvement.

Q. That is, he was a better man ?

A. Yes.

Q. Is that the only sense in which you think he is an improvement ?

A. Well, as I say, the receiving officer was the storekeeper. Now, I have a receiving officer and storekeeper and they are both able to do the duties better than one man could attend to them both.

Q. Well, then, you have Davidson as storekeeper, do you ?

A. Yes, sir.

Q. And who is the receiving officer ?

A. A man by the name of Bedell.

Q. How long has he been there ?

A. Since last February or April, I think, or March.

Q. Whom did he succeed ?

A. Well, he was promoted from night watchman to succeed Davidson, and Davidson was put in from receiving officer to storekeeper. I thought he showed greater talent in that line than he did for receiving officer,

Q. That is, the improvement there in putting in another man as storekeeper and dividing the duties of the two officers?

A. Yes, sir.

Q. Well, what other improvements have you made pending this investigation, or have been made down there?

A. Well, we have got our reservoir pretty nearly completed.

Q. Yes. That is a great improvement, isn't it?

A. I consider it a very great improvement.

Q. And that will supply you with water at all times, won't it?

A. Well, it will hold about two months' supply, probably.

Q. And there was never more than two months' break in your water main, was there?

A. Well, I think not much over two months, anyway, if there was that.

Q. So that it practically insures against a recurrence of all the evils which resulted from a lack of water?

A. That is what we hope.

Q. Yes, and believe, too, don't you?

A. Yes, I do.

Q. Well, now, what other improvement has been made?

A. Well, I don't know of any just at present.

Q. Any other improvements since this investigation?

Q. (By Ald. LEE.) Got a telephone down there?

A. Oh, yes, got a telephone.

Q. (By Mr. BRANDEIS.) Well, you remember, Dr. Cogswell, that Mr. Egan, the district chief of the Fire Department, made a report on the lack of fire appliances down at Long Island. Has there been any improvement in that respect?

A. Well, I am not exactly sure as to the date of that, whether it was before or after this investigation, but since the first of last January we have had stand-pipes put in the institution building.

Q. Yes — anything else been done besides the stand-pipes?

A. We got two extension ladders on his recommendation.

Q. Yes — and got some fire-extinguishers, didn't you?

A. Yes, those were bought on his recommendation.

Q. You got some hose?

A. That was purchased before he came here.

Q. Some afterwards, too, wasn't there?

A. Well, only what went to the standpipes, that is all.

Q. Well, now, you have complied, or there has been a compliance either by you or by other authorities, with all the requirements which Mr. Egan believed were necessary for the safety of the institution?

A. I believe he recommended some red lights. We haven't got those.

Q. Everything but the red lights, have you?

A. I should want to see Mr. Egan's recommendations before I testified in full as to that.

Q. (By Ald. LEE.) Is that steam-pipe connected now?

A. Oh, yes; that was connected at the time the stand-pipes were put in.

Q. (By Mr. BRANDEIS.) I will read from Mr. Egan's recommendations:

"I have inspected buildings on said island and found that the appliances for fire purposes were very limited, and would not be of any use in case of fire in said institutions."

Q. You remember that?

A. I do now; yes, sir.

"I found but one extinguisher and that would be, in my opinion, unfit for service if needed."

A. Well, there were two or three extinguishers there, but we have got eighteen new extinguishers on his recommendation.

Q. Eighteen now, and they are fit for service now?

A. Yes.

Q. So that that defect which he pointed out has been complied with. "There are 500 feet of inch rubber hose, and that is kept in store cellar, and if needed would be useless, as there is not a play-pipe on the island." Has that defect which he pointed out been remedied?

A. If he says that he states what was not a fact.

Q. That is, was Egan prejudiced against you, too?

A. Not in the slightest.

Q. Did he have any grudge against you?

A. Not in the slightest.

Q. Well, is he also one of those unable to make proper investigation into facts?

A. I wouldn't say as to that, but some of his statements there are not facts. If he says there were 500 feet of inch hose in the basement and no play-pipe on the island, he doesn't state the facts.

Q. "There are 500 feet of inch rubber hose, and that is kept in store cellar, and if needed would be useless, as there is not a play-pipe on the island."

Ald. LEE. — One inch?

Mr. BRANDEIS. — Well, he says "inch" — doesn't say "one inch," but I presume so.

Mr. REED. — Is that in his report, Mr. Brandeis?

Mr. BRANDEIS. — This is, "Boston Fire Department, Headquarters, Dist. No. 1, February 7, 1894." It is the letter on page 552.

Mr. REED. — Well, he suggested later on in his testimony — qualified that by saying that he stated many things on information, not actual knowledge. I think he did.

The WITNESS. — He did in his testimony here.

Q. (By Mr. BRANDEIS.) Well, was the rubber hose in the store cellar, where it would be useless if needed? Is that correct?

A. No, sir; it wasn't.

Q. Well, has that defect which he alleges there been remedied, or have you now still a lack of hose for the protection of the institution?

A. Well, he doesn't say that we had a lack of hose there, does he? When he was there, if I remember correctly, he says we had quite a lot of hose there.

Q. The next sentence was, "There are no fire buckets in any of the buildings." Has that been remedied?

A. That was absolutely without any foundation in fact, for we had nearly sixty in the institution building alone, and had had ever since I have been there.

Q. Then you think District Chief Egan doesn't know his business, either.

A. If he said that?

Q. Didn't he say it?

A. I don't know. You are reading it. I don't remember his report.

Q. "There are no fire-buckets in any of the buildings."

A. Well, that isn't so and wasn't so.

Q. Well, District Chief Egan says in addition, "Nor are there a fire axe or rake." Has that been remedied?

A. Well, we have got now fire axes and not rakes, but, fire-hooks. The fire axes that we had there at the time he said were not proper for fire axes, because they didn't have a hook on them. We had the axes, but they were not according to his idea what they should be, so we got some more.

Q. Well, now, is this statement correct: "Located in engine-room is a small Blake steam-pump, with connection for hose in case of fire, and a large 5-inch Knowles pump which sits on a large granite block, but is of no use; reason, not being connected." Is that correct?

A. The large pump was not connected when he was there and the small pump was just as he says.

Q. Yes. Well, is this statement correct: "There are two pony extinguishers in main building, but none in hospital buildings?"

A. That was correct; yes, sir.

Q. And that has been remedied, hasn't it?

A. It has; yes, sir.

Q. And that in regard to the pump not being connected has been remedied, too, hasn't it.

A. It has.

Q. Well, in that respect you are protected now where you weren't before?

A. We are.

Q. Then he says, in regard to the hospital building, "Neither are there any fire buckets."

A. There were not.

Q. There are now?

A. There are.

Q. Well, that is an improvement that has been made, then?

A. Yes, but these were made before this investigation began.

Q. Well, where were they made?

A. They were made almost immediately after his report, about the first of March, the latter part of February — the fire buckets.

Q. Well, this report of the Fire Commissioners was included in the visitors' report, wasn't it?

A. Yes.

Q. And it was made then in pursuance of the visitors' report, you would say, not in pursuance of this investigation?

A. Yes.

Q. That is, these were done in pursuance of the visitors' report. Is that it?

A. Yes, sir.

Q. Well, now, he says, "In main building there are about 150 feet of half-inch rubber hose to connect to faucets in wash-rooms, the same being minus play-pipes." Is that correct?

A. Yes, sir; that was correct.

Q. And has that been corrected? Has that improvement been made?

A. Yes, that improvement has been made. They hadn't sent down the play-pipes at the time they sent the hose. The play-pipes came, I believe, the next day after he was there.

Q. "There is not an axe or rake on this island for fire service." Was that correct?

A. According to his judgment; yes. What he considered a fire axe is an axe with a hook on the opposite end from the cutting end. We didn't have any of those, but we did have other axes that we have used for fire purposes.

Q. Well, have you supplied the fire axes that Dist. Egan recommended?

A. We have; yes.

Q. Then he says "There are seven or eight hundred inmates, male and female, on this island, and out of that number the officers might pick out enough men to have a fire drill once or twice a week, and by that means perfect themselves in the use of fire appliances, which would place them in a position to direct, should a fire occur." Has that been done?

A. We have not organized any fire brigade as yet; no, sir.

Q. Have not done anything in that respect?

A. We have had fire drills of the officers, but not the inmates.

Q. Yes, and you have posted up some fire rules since that time?

A. My impression is that they were posted up before he was there.

Q. Don't you know they were posted up quite a little later than that?

A. No, sir; I do not.

Q. Where are those rules printed?

A. At Deer Island.

Q. At whose request?

A. Mine.

Q. And when that printing was done at Deer Island what record was made of the fact? Is there any charge made at Long Island?

A. There is.

Q. I mean a charge for so much printing as if it had been done outside?

A. Yes. I wouldn't want to say as to the exact dates of those fire rules, because I don't remember.

Q. So that there has been an improvement since the Board of Visitors called attention to the lack of fire appliances? There has been that improvement in the fire appliances?

A. There has.

Q. That had been recommended, and there has been also an ample provision made for an ample supply of water?

A. That was being made. That was started a long time before the visitors were appointed.

Q. That was started several years ago, wasn't it?

A. No, sir; that was started a year ago this last spring. That is, they made a little start on it. The active work was begun on it, I think, the 22d of August last year.

Q. And the suggestion was made by the Commissioners quite a long time before that in their reports, wasn't it, a year before?

A. I don't remember, sir.

Q. Well, now, what other improvements have been made since the Board of Visitors' report or the commencement of this investigation?

A. I don't remember now. Perhaps if you have them in mind and can suggest them I can tell you whether it was so.

Q. Any other improvements in the hospital?

A. Oh, yes; we are making improvements there all the time.

Q. Well, now, what?

A. Well, as I say, this chief nurse was an improvement.

Q. Well, don't repeat what we have been over; I mean additional to what you have testified to?

A. Well, I think our records, our clinical records, are better than when we first started them a year and a half ago.

Q. When did you make this improvement in your clinical records?

A. Well, we have been improving a little from time to time.

Q. Well, you have started some new record books, haven't you?

A. No, sir.

Q. Merely in the manner of keeping them?

A. Merely in the manner of keeping them, that is all.

Q. Well, now, when did you make any marked improvement in the record?

A. Well, I think the greatest improvement was — well, of course, the greatest improvement was made when we began keeping them. But since we began to keep them, which as in June, 1893, I think the greatest improvement was made this summer some time or this fall. I cannot give you the exact date. My impression is that it was anywhere from two to four months ago.

Q. Yes. Well, now, what other improvement, if any, has been made made?

A. Well, we have got some boxes down there to keep the dirty clothes in, which we didn't have before.

- Q. Where are those?
- A. Those are in the different closets or bath-rooms.
- Q. When did you get those?
- A. Soon after Mrs. Kinney came. That was one of her suggestions.
- Q. Yes. Before that you didn't have any place at all for the dirty clothes?
- A. Not any receptacle. We had a place for them. They were kept in the closets, but not in any receptacle.
- Q. In the closets with what? What else was in the closets?
- A. Well, in the bath-rooms. They weren't really closets.
- Q. They were simply lying around in the bath-rooms?
- A. No, they didn't lie around any length of time, because they were taken away from there and taken to the laundry.
- Q. Yes. Now, what else did you do in the way of improvements?
- A. Since I have been there we have the diet cards and treatment cards.
- Q. What are diet cards?
- A. Those are cards that are hung up at the foot of the bed on which is written the diet that the patient is to get. The treatment cards are the same. We also have dejection cards now. That we didn't use to have.
- Q. What else?
- A. Then Mrs. Kinney introduced a system by which she could, as near as was possible, be absolutely sure that the patient got the medicine that was ordered to the mand that they got a bath when a bath was due.
- Q. Yes. When was that done — sometime since August?
- A. That was done since August. That was done since September, I think.
- Q. Yes; what else?
- A. I think that since we got our chief nurse there is, perhaps, a little more regularity in the way that the ward is set up.
- Q. What do you mean by that?
- A. Well, instead of one patient having his towel at the head of his bed and another patient having his towel under his pillow, they are all hung on the head of the bed, and instead of one patients sitting with his rocking-chair, twisted one way and another another they are all set the same way and the tables the same way.
- Q. That is, there is a certain order and discipline in the hospital?
- A. Well, I don't know as to the discipline and the order does not always remain, but there has been more of an attempt at it.
- Q. Well, what else, and what other improvement has been made since the Board of Visitors' report of the commencement of the investigation?
- A. Let me see — I don't know as I —
- Q. Remember anything.
- A. Remember anything.
- Q. Has there been any change of any kind in regard to the discipline of the institution, the hospital or institution either?
- A. Well, I think it is nearer what it was before they came down there now. I think I have got it back pretty much where it was last year.
- Q. Yes. That is, the institution is about as it was in December?
- A. Well, that is, as far as discipline is concerned.
- Q. Has there been any change in the rules and regulations in respect to the institution?
- A. Yes.
- Q. In what respect?
- A. There is a rule that forbids inmates going on certain portions of the island.

Q. Yes.

A. I thought I might as well get them into training for the time when the women came, so I have forbidden them from going on that portion of the island which will be reserved for the women. That was done last spring.

Q. Yes — any other change in regard to the discipline or regulation of the inmates of the institution?

A. Yes. I have introduced new bathing regulations.

Q. What are they?

A. I issue tickets for baths and the bath ticket is good for a piece of tobacco, and if a man don't take a bath he don't get any tobacco. I have their names all down, and if they come in and take their bath without being sent for we give them a piece of tobacco, and if we have to send for them they don't get any tobacco and still have to take the bath.

Q. Well, do they get as many pieces of tobacco as they have bath tickets?

A. No, they don't.

Q. Get only one a week, anyway?

A. One a week, anyway.

Q. What other changes in the rules and regulations have you made down there?

A. Oh, I have taken down the rules that were in the infirmary, which used to be the hospital, and hung them up over in the hospital proper.

Q. Well, what change in regulations is there in regard to the work of the pauper inmates?

A. I don't remember of any.

Q. That is, the matter of paupers' working or not working is just the same as it was a year ago?

A. In regard to what?

Q. In regard to compelling them to work?

A. I can't compel them to work now any more than I could when I first went there.

Q. And you have never tried to compel them to work at any time, have you?

A. Always have.

Q. How have you undertaken to compel them?

A. Why, set them to work, and if they didn't work I discharged them.

Q. That is, discharged them from the island?

A. Yes, sir.

Q. And then they came back again?

A. Yes, and I always tried to save the same thing for them when they came back and put them right into it.

Q. Yes, and then they made a series of visits to the city and returned. Is that it?

A. Yes, sir; that is about it.

Q. Now, you believe in work, do you?

A. I do; yes, sir.

Q. Well, in my — what you call the opening of counsel, there were several pages devoted to this subject of compulsory labor. Do you recall that?

A. I don't just now.

Q. You spoke of it in your argument? You spoke of it as the last four pages of the opening of counsel?

A. Yes, I read them over and I came to the conclusion that I couldn't do anything about it, it didn't have any reference to me, so I let it stand.

Q. Now, in the description here we say: "Now, what is the condi-

tion in the institution proper — the condition in that which should be a workhouse? The condition is absolute idleness and demoralization." And then it goes on. That is the beginning of what you referred to as what does not concern you, isn't it?

A. Yes, sir; I presume so.

Q. And all the references in there to labor, to compulsory labor and to classification of the inmates, is that which you say does not concern you, is it?

A. It is something over which I have no control.

Q. Well, you didn't answer it because, as you state, it didn't concern you?

A. It wasn't for me to answer; no, sir.

Q. As you understood it?

A. As I understood it.

Q. Now, you know, do you not, Dr. Cogswell, that in the opening I stated that those were the important evils, and that all other things referred to by me were but incident to and the outgrowth of those great evils of lack of classification and lack of compulsory labor, do you not?

A. That is my impression.

Q. Yes; and that was reiterated by me, wasn't it, a number of times — that the important thing you came here to complain of was an absence of system, an absence of intelligent treatment of the question? Isn't that a fact?

A. I think that is what you stated.

Q. And the lack of intelligence and the lack of system was evidenced by an absence of classification, and particularly under that, an absence of compulsory labor for those who were able to work. That was the statement, wasn't it, in substance?

A. I think it was; yes.

Q. Now, before you went to the island what experience had you had in dealing with paupers?

A. I used to go over there occasionally some years before to relieve the physician in charge.

Q. That is, your connection with them was purely as a physician?

A. As a physician; yes.

Q. And had you made any study of the pauper question?

A. I had for about a year.

Q. And in the study of the pauper question what do you mean that you had considered?

A. Well, I had considered the pauper laws, the conditions governing the paupers, and the extent to which pauperism was growing, and I had thought over what I should do if I could, and things in connection with that matter.

Q. Well, you had read, I suppose, books, reports, etc., on the subject, which had been issued from other institutions — matters written on the subject?

A. Yes, sir, I had.

Q. And you had come to the conclusion that classification and compulsory labor were among the important, the most important things in dealing with the subject of pauperism and pauper institutions?

A. Well, it seemed to me that compulsory labor for those who were able to labor would do away with a great many of the evils of pauperism in our institutions.

Q. Yes.

A. That is what seemed to me, and in regard to the making of pauperism — for those who, as you might say, hadn't any business to be paupers, to make it as objectionable as possible for them.

Q. That is, show them that they couldn't escape work by becoming paupers?

A. By becoming paupers.

Q. Yes, and you were convinced also from your study of the subject that in order to practically and properly deal with it it was necessary to investigate the specific cases and to determine to a certain extent the causes of the pauperism and the ability and the inclinations of the individual, had you not?

A. Well, my idea was that each individual should be treated according to his own case.

Q. Yes, and in order to do that you would have to know his case — I mean you would have to investigate each man separately, practically, before you could know how to treat him?

A. Yes, sir.

Q. Well, in order to do that you would have to know something of his past, wouldn't you?

A. Yes, sir.

Q. Well, now, did you establish records which showed that?

A. Well, I undertook something of the kind myself at first when I went there and continued it for some time, but those are some of my own private memorandums. They weren't any official records, because I didn't have any facilities for doing anything of the kind that I could depend upon. I have for my own knowledge and satisfaction thought I would see what I would find out about the individuals down there, as I found them, and so I questioned them to find out what they had been doing in their past life and what brought them to the poor-house, according to their own judgment.

Q. Well, did you undertake to verify that by inquiries outside from other institutions, charitable institutions in Boston?

A. No, sir; I did not.

Q. It would have been of great value, wouldn't it, in order to carry out your idea of individual treatment, to ascertain from outside sources the history of the individual patient to his connection with other institutions?

A. Well, as far as I remember now, nineteen out of every twenty told practically the same story — that they had earned money at one time and squandered it through drink, and sometimes brought on by misfortune, and that had brought them down there, and about sixty per cent. of them had been to Deer Island.

Q. Yes. Well, then, your investigation at that time convinced you that among the inmates of the institution there were some who were or had been criminals and there were some there who were there through misfortune and who were deserving in their condition, hadn't it?

A. Yes, sir.

Q. And you were convinced also that according to the life which they had led they deserved and should receive different treatment, weren't you?

A. Well, only cases that had got to be old men, that is all. After a man gets to be an old man I think he deserves good, kind treatment from the city up to a certain extent, even if he has been a little wayward in his early youth. But taking, as far as I could judge the moral character of the inmates, the only difference between them was that the young men are able and the old men were willing, a large majority of them. There are a good many nice men down there for all that.

Q. Now, in the course of your investigation of the subject of pauperism, you had occasion to read the visitors' report of June 30, 1893, didn't you?

A. Yes, sir; I did.

Q. And did you read it before you became superintendent at Long Island?

A. I did and I read it after I got there.

Q. And you read it again after you got there?

A. Yes, sir.

Q. And perhaps have referred frequently to it since? Well, the first recommendation which they made in that report was that a record be kept stating as far as possible the facts known in regard to the character and history of each inmate, with a view to classification. Now, your study of the object convinced you that that was a wise recommendation, did it not?

A. I think it was.

Q. And you did undertake on your own account to keep such a record?

Q. Yes, sir; I did.

A. Intended to. The second recommendation they made was that the able bodied be made to work. That, I understand you have already said that you indorse?

A. Thoroughly.

Q. The third was that free passes be abolished except in special cases. Now, what do you say to that recommendation?

A. Well, from my experience down there and the present interpretation of the laws I do not agree with them.

Q. What do you mean?

A. I think we might just as well issue passes as to have them come up on a discharge and come back in a day or two.

Q. Now, supposing on the other hand, that the other interpretation of the law were adopted — that you had a right to compel them to work, and that they must abide by the regulations of the institution, would you then be in favor of abolishing free passes except in special cases?

A. I certainly should.

Q. And why would you be opposed to that?

A. I wasn't opposed to it. I think from my experience with them down there that they use the passes to come up town and get under the influence of liquor, and get battered and bruised, and then come down to recuperate.

Q. That is just what the visitors said was the reason why they opposed the granting of passes, wasn't it?

A. I think it was. I am not quite certain.

Q. Then you fully agree with the visitors, assuming also their interpretation of the law that you could compel work?

A. Yes, if —

Q. Yes, I say, assuming their interpretation?

A. If the laws were such that we could keep them down there, and compel them to work, I should be greatly in favor of keeping them there.

Q. Now, the fourth recommendation that they made was that complete separation of the sexes be secured. You are in favor of that, I suppose?

A. Certainly. I think that as far as we have been able to do it that has been done.

Q. Well, and their recommendation fully meets with your approval?

A. Why, certainly. I never heard anybody that would recommend anything else.

Q. Now, the fifth recommendation was that printed rules be hung up in the institution. That you believe to be a wise regulation?

A. I do. That is a very good recommendation, but I don't think it is absolutely necessary.

Q. Well, you would approve of it as a recommendation?

A. Yes, I would.

Q. Their next was that stores be given out only by paid officials. You have adopted that course yourself, and I assume, therefore, that you approve of that recommendation.

A. Well, that was done when I went there.

Q. They had already done it in pursuance of this recommendation?

A. Yes, sir; I believe so.

Q. And you approve of that?

A. I do.

Q. Then the seventh recommendation was that more personal neatness be enforced. Of course the remark refers to what you may not know about what occurred before, but you believe in enforcing personal neatness?

A. I believe in making them be as neat and clean as you can, and there is another point. If you had some means of disciplining them you could make them keep themselves clean.

Q. And the eighth recommendation was that tobacco, if given at all, should be given as a privilege. You agree to that?

Q. Well, yes; I think that tobacco should be given as a privilege and not as a right.

Q. Yes. Then in those eight recommendations, assuming the law as the Commissioners do, you fully agree with them in every one — I mean the visitors?

A. Yes, I should.

Q. Well, now, doctor, when you assumed this position, what instructions did the Commissioners give you in regard to the conduct of the institution?

A. I don't remember.

Q. Was the subject of classification discussed by you with the Commissioners?

A. My impression — I couldn't tell you when these conversations, Mr. Brandeis, took place, but we have talked over a great many times the subject of classification and also the subject of compulsory labor.

Q. Yes, sir. Now, how long ago did you first discuss with them the subject of classification and compulsory labor?

A. Oh, last year sometime was the first time. I should think like enough it was, might have been before I went down there at all.

Q. That is, you discussed it first early, did you?

A. Yes, sir.

Q. Yes, and when that discussion took place was any reference made to the recommendation of the visitors?

A. I couldn't say as to that, for I don't remember.

Q. Was any reference made to the fact that Mrs. Lincoln had urged it back as far as 1889, 1890, or 1891?

A. No, I am very sure there was not. I don't think Mrs. Lincoln's name ever appeared in the conversation.

Q. Well, did the Commissioners agree with you that classification would be desirable?

A. To a certain extent; yes, sir.

Q. Well, to what extent did they agree?

A. Well, separating the able-bodied and those that were able to work from those that weren't able to work.

Q. Well, did the Commissioners agree with you as to the desirability of keeping a record of the individuals, and ascertaining facts with a view to classification?

A. We never had any conversation on that subject at all.

Q. You stated a little while ago that you didn't keep up your records or complete your records in respect because you had no facilities for doing it. Did you ever suggest to the Commissioners the desirability of providing such facilities?

A. I don't think I stated anything of that kind, Mr. Brandeis. I said that I didn't communicate with any other institutions.

Q. Yes.

A. But I gave up the keeping of records because I was taken sick.

Q. And when was that?

A. That was about the first of last January.

Q. Well, had you kept records continuously up to the first of January?

A. No, sir. The way I did was to take the cases that I thought were good cases and look them up. I didn't do it as a routine practice.

Q. That is, you didn't make a classification and attempt to investigate and keep a record of each case, but only of certain cases?

A. Only of certain cases, and those were picked out.

Q. At random?

A. At random.

Q. Did you ever communicate with the Commissioners in regard to the advisability of following out the first recommendation of the Board of Visitors, that a record be kept stating as far as possible the facts known in regard to the character and history of each inmate with a view to classification?

A. No, sir; I did not.

Q. That was never suggested by you?

A. No, sir.

Q. Was anything of the sort ever suggested by them?

A. I think after that suggestion was made by the Board of Visitors that they have kept little fuller records down there, but whether that is so or not I wouldn't want to say. Whether that was done before or after this report I don't know. We have a new record book down there which goes back sometime before I went there—how long I don't know. I never have looked at the exact date, which is considerably fuller than the old record book. It has nothing to do with a man's character—more with his social standing.

Q. But the matter has never been discussed in any way between you and the Commission?

A. I only know that I started in that line. When I went there I did start as a regular routine to find out whether or not the inmates had ever been in any institution or not before, which was something new, and if they had been in any institution whereabouts, what other institutions they had been in, and what for. That is a regular record since I have been there.

Q. Well, you say this subject of keeping the record with a view to classification was never discussed or referred to between you and the Commissioners, so far as you can remember?

A. Not as far as I can remember.

Q. And you are quite sure that they never gave you any directions or suggestions in that respect?

A. I am.

Q. Well, now, the second recommendation—that the able-bodied be made to work. You say that subject of work was a matter that was discussed between you and the Commissioners?

A. Yes, sir.

Q. Once, or more than once?

A. I think we have discussed it several times.

Q. And the first time you think was early after your coming there?

A. Yes, sir.

Q. Well, now, what directions did the Commissioners give you in that respect?

A. Well, to make them work.

Q. Well, did you suggest to them any punishment for refusing or any method of enforcing your directions that they should work?

A. Well, as I understood it from them, the Corporation Counsel had given an opinion that we couldn't make them work.

Q. When did they tell you that?

A. That was some time last year.

Q. Well, did they ever correct that statement ?

A. No, sir.

Q. And that remains the law up to to-day, so far as you are concerned ?

A. Yes, sir.

Q. And they gave you directions, therefore, that you had no right to enforce in any way.

A. That I couldn't punish them, but that if they didn't work to discharge them.

Q. But then, if you discharged them, that they had a right to come right back — wasn't that so.

A. That was the practice ; yes, sir.

Q. And that consequently your discharging them was merely giving them an opportunity to take a free ride to the city and an opportunity to get drunk there and then come back. Wasn't that the fact ?

A. It turned out so, sometimes.

Q. Yes, very frequently, didn't it ? And that is the reason you didn't enforce the penalty more frequently, more regularly, wasn't it ?

A. Well, I enforced it every time, whether they went up and got drunk or didn't. If they wouldn't work I let them go.

Q. And that you are still doing now ?

A. Yes, sir.

Q. And there isn't any change in regard to the condition of things ?

A. Well, I made another rule that if a man is discharged for cause once and comes back he gets no tobacco. That is all I can do.

Q. Other than that there has been no change whatsoever ?

A. That is all.

Q. And the Commissioners haven't in any way changed the directions which they gave you in regard to work ?

A. No, sir.

Q. Did the Commissioners ever say that there had an opinion been given to them as to the right to compel work ?

A. I can't say as to that, because I don't remember. The only recollection I have, of course, of those interviews, is a general recollection as to what took place, without any specific dates or any exact conversation.

Q. But they have never submitted to you a copy of any opinion at any time ?

A. No, sir. All I have seen is what has appeared here in the testimony, I believe. I have seen that.

Q. You mean that Mr. Reed read in his argument ?

A. No, there is an opinion of the Corporation Counsel, if I remember correctly, printed in the testimony of these hearings.

Q. Yes.

A. Which says, I believe, that you could punish them.

Q. Well, what is the date of that opinion in which the Corporation Counsel says you could punish them and could enforce your orders and regulations in regard to them ?

A. You mean this last one ?

Q. Yes.

A. I don't know, sir.

Q. Well, how long ago was it ?

A. I couldn't tell you that, because I don't remember. It was since this investigation began.

Q. It was in May, was it ?

A. I don't know ; since the investigation began.

Q. It was six months ago or more, wasn't it ?

A. I couldn't say as to that — my impression was three or four months ago.

Q. Now, have you ever seen or known that the Corporation Counsel has given an opinion directly to Dr. Jenks, as chairman of the Commissioners of Public Institutions, that you had full authority to enforce your regulations?

A. No, sir. I didn't know that such was the case.

Q. Well, has Dr. Jenks ever referred to the fact that he has received such an opinion?

A. I don't think that he has. I don't remember.

Q. Now, see whether you have ever heard of this opinion:

CITY OF BOSTON.

OFFICE OF THE CORPORATION COUNSEL, May 15, 1894.

THOMAS L. JENKS, ESQ., *Chairman of Commissioners of Public Institutions:*

DEAR SIR: I would reply to your questions contained in your letter of the 7th inst. as follows:

By Chapter 111 of the Acts of the year 1826, approved March 5, 1827, the directors of the House of Industry in the city of Boston were to have and exercise all the powers and perform all the duties relative to paupers, and the binding out of children and other persons committed to said House of Industry for support, as the Overseers of the Poor of the several towns in this Commonwealth now have and exercise in relation to paupers, and the binding out of children and other persons under and by virtue of the several laws of this Commonwealth. I am of the opinion that under this statute the directors of the House of Industry in the city of Boston had all the powers relative to paupers under their charge that the Overseers of the Poor in the several towns of the Commonwealth then had, and that the power given to the directors of the House of Industry under said Act are now vested in the Commissioners of Public Institutions. It is necessary, therefore, to ascertain what were the powers of Overseers of the Poor in the Commonwealth of Massachusetts, March 5, 1827. Section 21, of Chapter 33, of the Public Statutes, enacts that every person committed to a work-house shall, if able to work, be kept diligently employed in labor during the term of his commitment. If he is idle and does not perform such reasonable task as is assigned, or if he is stubborn or disorderly, he shall be punished according to the orders and regulation established by the directors. This statute was originally passed in 1788, and was in effect March, 1827. By Section 5 of Chapter 84 of the Public Statutes, the Overseers of the Poor have the same power and authority over persons placed under their care which directors or masters of work-houses have over the persons committed thereto. This statute was originally passed in 1828, but is substantially a reënactment of the statute passed by the province in the third year of George the Second. I am of opinion, therefore, that in 1827, when the directors of the House of Industry in the city of Boston were given the same power as Overseers of the Poor over paupers placed under their care, Overseers of the Poor had the authority given to directors of work-houses by Section 21 of Chapter 33 of the Public Statutes.

To return to your questions. My answer to the first question would be that the Commissioners of Public Institutions have a right to establish orders and regulations concerning the conduct of the paupers in the institutions enumerated in the question, and empower the superintendent by such regulations to punish the paupers who are idle or disobey such regulations.

Has Dr. Jenks or have any of the Commissioners ever reported to you the fact that as early as May 15, 1894, they had that opinion from the Corporation Counsel?

A. No, sir.

Q. Have they communicated to you in any way that they, and you under them, have power to punish those who disobey your directions in regard to labor?

A. No, sir; I don't think they have.

Q. Have they communicated in any way that you had any right to enforce regulations of any kind down at your institution?

A. I don't think that they have.

Q. Have they reported to you that the Corporation Counsel, in answer to their inquiry, has told them this:

I think the Commissioners of Public Institutions have authority under existing laws to pass such rules and regulations concerning the almshouse at Long Island as would separate those able to work and those unable to work, and in that way a work-house department could be created?

Has any such communication been made to you?

A. No, sir; there has not.

Q. And therefore during these more than six months since that opinion was given by the Corporation Counsel to the Commissioners, in which he set forth in the fullest way the powers of the Commissioners to enforce obedience, to create rules and regulations, and to make the men work, they have never even communicated that fact to you?

A. Well, I suppose, perhaps, they had in mind his previous opinion.

Q. Well, isn't it a fact that he never gave Dr. Jenks any other opinion whatsoever on the subject?

A. I don't know, sir, I am sure. I had an impression that there was another one.

Q. Well, it is a fact, however, that Dr. Jenks or any of the Commissioners have never even communicated to you the fact that they had power to enforce rules and regulations governing the people at Long Island by which this work which you deemed to be necessary, and which you told them that you deemed to be necessary, could be enforced? That is a fact, is it not?

A. They never did.

Mr. REED. — Is that an opinion of 1894?

Mr. BRANDEIS. — Six months ago.

Mr. REED. — Is that an opinion given in answer to questions asked by the Commissioners at the request of somebody here during this hearing?

Mr. BRANDEIS. — I don't know.

Mr. REED. — It is must be the same.

Mr. BRANDEIS. — This is an opinion of May 15, 1894, addressed to "Thos. L. Jenks, Esq., Chairman of Commissioners of Public Institutions."

Mr. REED. — Yes, that is it.

Mr. BRANDEIS. — "I would reply to your questions contained in your letter of the 7th inst. as follows," — that is, the letter must have been written the 7th of May, and this is the opinion of Mr. Babson, the Corporation Counsel, of May 15.

Mr. REED. — Yes, I understand. That is the opinion given in response to an inquiry suggested here at this hearing after Mr. Hale testified.

Mr. BRANDEIS. — Now, I was asking this witness whether, although he had repeatedly discussed with Dr. Jenks and the other Commissioners the importance of enforcing rules and regulations to compel work, whether in spite of that fact and in spite of the opinion of the Corporation Counsel that the Commissioners possessed full power to do, that they had allowed six months to elapse without taking any step whatsoever towards even so far as communicating the existence of the power to the superintendent.

Mr. REED. — Why do you disregard the former opinion, where he said they didn't have the power?

Mr. BRANDEIS. — He never gave any such opinion whatsoever to the Commissioners.

Mr. REED. — You know better than that. It is in evidence here.

Mr. BRANDEIS. — He gave no informal opinion to Mr. Morison.

Mr. REED. — No, it wasn't informal. It was in writing.

Mr. BRANDEIS. — Yes, but it was perfectly informal, and he has here set forth fully all his reasons and has corrected the hasty opinion he gave before.

Mr. REED. — You know that isn't fair. He didn't refer to his former opinion at all. He gave answer to questions, and the last opinion is in answer to questions, and you know it. The two opinions are entirely distinct, and you know it.

Mr. BRANDEIS. — This is the only opinion ever asked for by Mr. Jenks and the only opinion that Dr. Jenks ever had.

Mr. REED. — Well, the other opinion is in evidence here. We had the original opinion and put it in evidence.

Mr. BRANDEIS. — Let us see it.

Mr. REED. — Mr. Farmer put it in evidence. We haven't it, as it has been put in evidence.

Mr. BRANDEIS. — Was it given to Dr. Jenks?

Mr. REED. — It wasn't given to Mr. Morison any more than to Dr. Jenks.

Mr. BRANDEIS. — Well, the fact is, that Dr. Jenks has power to do and does, whether he has power or not, everything he pleases, and he never does anything he doesn't want to do.

Mr. REED. — You know you are not fair.

Mr. BRANDEIS. — He didn't have power to accept rocking-chairs, but he had power to get some and put them on the island last summer and he did it.

The CHAIRMAN. — Please go on with the witness.

Mr. BRANDEIS. — I don't think the witness answered the last question, — and I will ask the stenographer to read it.

(The stenographer read the last question.)

A. I answered that I think, before, that they never have communicated to me that I had any power to punish inmates down there.

Q. (By Mr. BRANDEIS.) Or that they had received from the Corporation Counsel an opinion to the effect that they had full power so to do?

A. I don't remember as to that. I couldn't say.

Mr. REED. — There is a copy of the other opinion here. It has been put in evidence.

Mr. BRANDEIS. — That is not addressed to Dr. Jenks.

Mr. REED. — No, addressed to Mr. Morison, the chairman of the visiting committee. But Dr. Jenks and that committee acted together.

Mr. BRANDEIS. — There isn't any evidence of that.

Mr. REED. — Oh, yes, there is, the evidence in the book there.

Mr. BRANDEIS. — Dr. Jenks didn't even have interest enough to ask for an opinion from the Corporation Counsel until this investigation was brought about.

Mr. REED. — That is not so.

Mr. BRANDEIS. — He had no interest in the matter of asking for an opinion on the subject of compelling them to work. That is just what we complain of.

Mr. REED. — That is not a fair statement in view of the testimony, and you know it.

Mr. BRANDEIS. — Isn't it a fact that Dr. Jenks has been Commissioner since 1889 and that he never has asked until May 7, 1894, for an opinion — five years?

Mr. REED. — What is the date of that first opinion?

Mr. BRANDEIS. — That is April 30, 1892 — that is three years less eleven days after he was appointed Commissioner.

Mr. REED. — He had an opinion then?

Mr. BRANDEIS. — No, but Frank Morison was interested enough, the same as the Board of Commissioners have been since, to find out.

Ald. LEE. — Was that opinion addressed to Mr. Morison?

Mr. RILEY. — Yes, in answer to a private inquiry.

Mr. BRANDEIS. — Yes, and three years after Dr. Jenks was appointed and after this visiting committee had been appointed, which committee considered that a very important subject.

Mr. RILEY. — And you will notice in reading that that he says nothing about the laws under George the Second, either.

Ald. LEE. — I noticed that.

Mr. RILEY. — I thought you would.

(The hearing was adjourned at 10.01 o'clock P.M. to Tuesday, December 4, at 4 o'clock P.M.)

FORTY-EIGHTH HEARING.

TUESDAY, December 4, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALLSTRAM presiding.

CHARLES H. COGSWELL, M.D. — *Continued.*

The WITNESS. — Mr. Chairman, here are the milk requisitions that I referred to in my statement, that I wanted to put in to corroborate certain facts that are mentioned there.

(The requisitions referred to were placed in the custody of the clerk.)

Q. (By Mr. BRANDEIS.) Dr. Cogswell, in your argument on page three, you say, speaking of the diet list, — not page three of the book, but page three of the type-written copy: "This diet list, as they persist through ignorance in calling it, is not a diet list at all, never was intended for such, was never considered so by me, nor did I ever think it was by any one until I heard some of the witnesses before this committee." What did you mean to indicate by that suggestion that they persisted through ignorance in calling it a diet list?

A. Well, they called it a diet list.

Q. Well, and what did you mean to have the aldermen infer from that statement?

A. That they didn't understand what it was intended for, and that no one had ever explained it to them.

Q. They didn't know anything about it — is that it?

A. Not if they called it a diet list, they didn't.

Q. Well, and they didn't have that knowledge which reasonable people ought to have before they say anything about it. Is that it?

A. It had that appearance.

Q. Well, what would you say if it appeared that your own counsel, Mr. Curtis, introduced this particular thing at the first time he introduced it with that name and called it that? What would you think — that he doesn't know anything about it?

A. I should say that he had heard it called a diet list, assuming that he had it in mind, and said it without thinking.

Q. And that would be the only explanation?

A. That would.

Q. Now, supposing you found it had never been introduced here until Mr. Curtis introduced it, and that then he called it a diet list — do you think he was guilty of that ignorance with which you charge these visitors, if your own counsel does not know what it is?

A. I should want to see where he said that first, before I made any remarks on the subject.

Q. Well, I will read you first his statement, and then ask you to examine it.

Mr. CURTIS. — Well, I will plead guilty of not knowing everything, of course, Mr. Brandeis, right off.

Mr. BRANDEIS. — Well, but the question of public institutions you certainly know something about. That is a subject that you have been looking into thoroughly, and we take it for granted that you do know something about such things.

Mr. CURTIS. — Because I might call it a wrong name is no excuse for the visitors.

Mr. BRANDEIS. — Well, I think as you have spent some months looking up this case that you know a great deal about it, as you do about other cases upon which you prepare yourself, and I am sure from reading your recent letter that you show you understand the case very fully. This is on page 90, when Exhibit D was introduced by Mr. Curtis on cross-examination, and he says:

Now, you have seen the diet list at the hospital, Mrs. Lincoln?

A. Yes.

Is that it (handing paper to witness)?

A. I think it is.

Mr. CURTIS. — I would like to submit this to the committee, and to put it in as an exhibit.

The CHAIRMAN. — What is this?

Mr. CURTIS. — It is a diet list in use at the institutions.

Now I ask you, Dr. Cogswell, to take this copy of the report, and to see whether this gross ignorance on Mr. Curtis's part was the result of being misled by the witness, or whether it was a natural meaning which he put upon the document that appears in that report?

Mr. CURTIS. — I hope the witness will not spare me, Mr. Brandeis, if it is my mistake.

The WITNESS. — I don't propose to. Well, all I can say on that subject is this, that if Mr. Curtis called it a diet list he was just as ignorant of its uses as any of the Board of Visitors.

Q. (By Mr. BRANDEIS.) What?

A. I say that all I can say on that score is this, that if Mr. Curtis called it a diet list, thinking it was a diet list, he was as ignorant of its uses as the Board of Visitors or any other witness. But then, possibly, he might have had some object in calling it a diet list.

Q. What object do you think he might have had?

A. Well, he might not have wanted to let them know what its uses were, to see if they knew of their own accord without being told.

Q. He had this subtle distinction in his own mind between diet list and diet order, do you think?

A. I don't know.

Q. Now, would it have been at all up to Mr. Curtis' level of intelligence to have had any such idea as that?

A. I don't know.

Q. Well, hasn't this document been called a diet list always in conversation with you?

A. Never by me; no, sir.

Q. But in conversation with you by others who were not so well educated as you are?

A. Not that I know of; no, sir.

Q. You don't remember the visitors speaking to you about the lists?

A. Well, we talked about them.

Q. What did the visitors call them in speaking to you about them?

A. I don't remember, sir.

Q. You don't remember, then, that they called them diet lists, do you?

A. No, sir; I do not.

Q. Well, do you consider it a matter of any significance whether they are called diet lists or diet orders?

A. Yes, sir; consider it of the greatest significance.

Q. You didn't explain it to Mr. Curtis, did you?

A. I don't know whether I did or did not.

Q. When was Mr. Curtis retained in this case?

A. I don't know.

Q. Well, how long before these hearings had he been down at Long Island?

Mr. REED. — About the same time you were, Mr. Brandeis.

The WITNESS. — I think he came in the afternoon and you came in the morning.

Mr. CURTIS. — Some time in February, Mr. Brandeis.

The WITNESS. — My impression is the latter part of February.

Q. (By Mr. BRANDEIS.) Was it?

A. That is my impression.

Q. The papers gave it a little earlier. That is the time he was down there, was it?

A. Yes, sir.

Q. Yes; and when did the hearings begin?

A. I think about the middle of March.

Q. Well, then, you think that Mr. Curtis, when he said, "This list, I believe, as a matter of fact, does not comprise all the special dishes, but it is the regular diet list of the hospital. It reads as follows" — and when he read it to the committee, that he was giving an erroneous statement to the committee — do you — to the chairman and the aldermen?

A. If he called that the diet list of the hospital, he did.

Q. You did not correct him when he made that statement, did you?

A. I don't know that I did. I don't think I did.

Q. Well, you certainly didn't. Don't you know that? You did not correct him?

A. No, sir; I did not.

Q. Well, you were present?

A. Yes, sir; I was.

Q. And have been present at every hearing. Well, if Mr. Curtis made a misstatement, a statement that would mislead the committee —

Mr. PROCTOR. — Pardon me. I don't think the doctor has been present at every hearing, and if that is going in as evidence and is to be used as evidence hereafter, it had better be stopped right off now.

Q. (By Mr. BRANDEIS.) Haven't you?

A. No, sir.

Q. When weren't you present?

A. I haven't been present at any hearing since —

Q. You were present at every hearing on Long Island, weren't you, at which I was present?

A. Yes, sir; I think I was.

Q. Certainly, and this was on Long Island and you were present then?

A. Yes, sir; present then.

Q. Well, if this was a matter of any importance, why didn't you correct Mr. Curtis and not let him mislead the committee by this erroneous statement made in ignorance?

A. I thought when my turn came I was perfectly able to enlighten the committee myself.

Q. You had thought of it already at that time, hadn't you?

A. I had some idea of it; yes.

Q. You remember the circumstances then, when he called it a diet list?

A. I certainly do, and I read it in his testimony when it was printed.

Q. But you didn't see fit to call his attention to it—to the fact that your own counsel was making a misstatement to the aldermen?

A. He had made it.

Q. Well, but you had a chance to correct it immediately afterwards, didn't you, after you had heard it?

A. It wouldn't have suited my purpose to have done so at that time.

Q. So you allowed the aldermen to remain in ignorance of this important fact for a period of eight months, seven or eight months?

Mr. REED. — Perhaps the aldermen knew better. You assume that they did not.

Mr. BRANDEIS. — I don't know why they should know better than Mr. Curtis.

Mr. PROCTOR. — They seem to have survived it.

Mr. BRANDEIS. — Well, there are only two of them left — three of them.

Q. Now, Dr. Cogswell, you gave some testimony here in regard to three fires which there were before the visitors made their report — one fire in which the cottage, so-called, was burned down, one fire in the hospital, and one fire down at the wharf, down at the pier?

A. No, sir, — I didn't testify as to the fire at the wharf, at the pier.

Q. Well, you remember that one, don't you?

A. Yes, sir.

Q. When was that?

A. I don't remember the exact day. It was after we began to construct the cellar for the new dormitory. I think it was in the spring sometime.

Q. Yes. Well, it was sometime during the year before the visitors made their last report?

A. No. I think it was after they made their report.

Q. Yes, and before this investigation began, wasn't it?

A. No, I think it was after this investigation began, but I wouldn't want to swear as to that.

Q. Well, before these new fire appliances were introduced down there, wasn't it?

A. Yes, I think it was — that is, some of them, but not all.

Q. Now, how many fires have there been since that time?

A. Two. We have had two fires since.

Q. When was that?

A. The last fire we had was, I think, about the first of September.

Q. Yes.

A. And we had one previous to that, sometime, I think, in August, but I am not sure as to that date.

Q. Hasn't there been a third fire there — one other one?

A. Not that I remember of just now.

Q. Well, how much damage was done in these two fires?

A. The fire in the barn? There was practically no damage done at all.

Q. Yes.

A. The fire in what we call the blacksmith shop or store shed, that destroyed the roof of the building, and some old blinds and doors that we had stored in it.

Q. Well, how much damage?

A. Well, it is pretty hard to estimate the damage on that, because it was the old store shed, and the principal articles that were destroyed were blinds and doors that had come off the old hotel that was there when the new institution was erected, and the building itself was an old dilapidated structure that was not shingled or clapboarded on the sides. The roof was shingled, and from what was left of the building and about \$50 additional we have put up a very nice building to take its place, which is much better for our uses. I should say that it would cost us to replace the building as we have, and what we lost in it, about \$75 — from \$75 to \$100; but I may be wrong as to that. I may be out of the way somewhat.

Q. Well, you didn't have any difficulty in extinguishing the fire after it was discovered, did you?

A. Well, we did pretty well on that.

Q. Well, you used that new fire apparatus to extinguish it, didn't you?

A. Yes, sir.

Q. And it served a good purpose?

A. It did.

Q. And the fire in the barn; how did you extinguish that?

A. Well, I extinguished that with the hose and hydrant; didn't use the fire pump that night.

Q. And that was quickly put out, too?

A. Yes, sir.

Q. Then both of these fires were immediately gotten under control down there, these two?

A. You might say that the one in the barn was immediately gotten under control, before the other one.

Q. And the other one very soon?

A. The other one took about half an hour.

Q. Well, the fire that you had before the fire when the cottage burned down, you didn't do anything, couldn't do anything there at all, could you?

A. No, sir.

Q. That was before you had your fire appliances that you have got now?

A. Yes, sir.

Q. You estimated the value of that at \$1,800?

A. Yes, sir.

Q. Well, now, you said on page 59 of the type-written copy of your argument, in speaking of the case of Edward Cuddy, in which the witnesses here testified, that they expected to get the body and sent down there for it, and they found out afterwards that it had been sent to the hospital for dissection — you say here that the clerk, your clerk, "told us that when Mrs. Moran asked him he said that Edward Cuddy had been buried." Who was that clerk who told her that?

A. Mr. Hinds.

Q. That was Mr. Hinds. Well, when he told her he had been buried he told her a lie, didn't he?

A. No, sir; I don't think he did.

Q. Why not?

A. Because he had been buried.

Q. He had been buried, and his body was afterwards taken out and sent to the hospital, was it?

A. No, sir. He had been buried at Mt. Hope, as I understand it.

Q. You don't understand it then, do you? Wasn't the evidence that he had never been buried at all, that they got up a false — I don't say it was false, but they had the entry made that he had been sent there when he never had been sent there actually?

Mr. REED. — There is no evidence of that here.

Q. (By Mr. BRANDEIS.) Wasn't that it?

A. That wasn't offered here. I didn't hear any testimony to that effect.

Q. You say that when clerk Hinds told her it had been buried the clerk told her the truth, do you?

A. It wasn't what I should have told her.

Q. Well, wasn't it recorded in your burial book that he had been actually buried on Long Island?

A. I wouldn't say as to that.

Q. Well, if it does say it — have you got the burialbook here?

A. Yes, sir; I have.

Q. Well, let us see whether it does.

Mr. REED. — Perhaps Dr. Parker can help Mr. Brandeis, if you want him to.

Mr. BRANDEIS. — Well, I suppose Dr. Cogswell is familiar with this book.

The WITNESS — (Producing books.) Can you tell me the exact date of his death?

Q. (By Mr. BRANDEIS.) Well, the date on which he appears to be receipted for dissection is Nov. 25. I think the date must have been a few days before that. Now, doctor, when clerk Hinds told Mrs. Moran that Edward Cuddy had been buried, what do you understand that he meant?

A. Well, as he told me, he said that he was buried, but if she wanted to get the body she would have to see the superintendent about it. And he told me. I asked him what he told her that for. He said that he didn't hardly like himself to tell her that the body had been sent up for anatomical purposes and he had rather that I should tell her.

Q. Then he knew that Edward Cuddy had not been buried, but had been sent up for anatomical purposes?

A. He should have known it.

Q. And did know it?

A. I think he did; yes, sir.

Q. And that was the reason why he lied about it to her?

A. Well, I suppose he didn't want to tell her.

Q. Well, now this Hinds keeps the records, does he, down at Long Island?

A. Yes, sir.

Q. What records does he keep?

A. He keeps the records of the institution, the books.

Q. Well, now, just what books does he keep?

A. Well, he keeps these books that we have got here — the death book and the burial book. Those are kept under my supervision and the supervision of the deputy.

Q. He keeps the death book — that is one book; and the burial book — another book?

A. Yes, sir.

Q. Yes, keeps those two books, the death and burial books. What other book does he keep?

A. He keeps the invoice book.

Q. What does that invoice book show?

A. It shows the daily receipts at the island — or not the receipts, but the bills, the itemized bills.

Q. You mean the itemized bills of everything that comes to the island?

A. Yes, sir.

Q. For consumption, or for the purpose of equipping the island?

A. Yes, sir.

Q. Then what else does he keep?

A. Then he has what I call a register.

Q. What is that?

A. That gives the name and age, height and weight, birthplace, birthplace of father and mother, occupation, and remarks, about all the inmates that arrive there.

Q. Yes. Now, does he keep that book under supervision, or does he do that by himself?

A. Well, he keeps it under certain supervision of myself, — that is, that it is kept up to date. He keeps it the same as any clerk would keep —

Q. Any book?

A. Any book.

Q. You don't know what he enters, but you leave that work to him?

A. I leave that work to him; yes, sir.

Q. Well, now, that is the fourth book. Now, what other books does he keep?

A. Then he keeps what I should call a journal.

Q. What is that journal?

A. That is the book that contains the pay-roll and the bills — say

from John Jones and William Smith, John Jones \$10, with the date. It is the total of what I call the invoice book.

Q. Yes.

A. The invoice book is itemized and this is not.

Q. Yes. That is the fifth book.

A. Then he keeps the requisition book.

Q. What is that?

A. That is a book on which all of the requisitions, the monthly requisitions or semi-monthly requisitions are kept. We keep the stub, and the requisition is sent to the city.

Q. That is the sixth set. Now, what else does he keep?

A. He keeps a book that—I don't know exactly what you would call it. It is a book that contains a copy, a double copy.

Q. Yes.

A. Of the itemized bills, stubs, the original of which is sent to 14 Beacon street and the duplicate is kept down there.

Q. That is the seventh set of books is it?

A. Yes, sir.

Q. Now, what other books does he keep?

A. Then he has an index register, and that is all that he keeps.

Q. Then he keeps those eight. Isn't there a book that you call the "Black-ball Book"?

A. Yes, sir.

Q. That is another book he keeps?

A. Yes, sir.

Q. What is that?

A. That is the book in which is recorded—if a man is sent to the city for any breach of discipline his name is recorded in that, and what he is sent away for.

Q. Yes; what else? Then there is a book, isn't there, that records the doings of the officers, the business of the officers, and the like, isn't there?

A. Yes, sir.

Q. That is the ninth book he keeps, isn't it?

A. Yes, sir.

Q. The tenth. What else does he keep?

A. That is all I remember of now. Perhaps Dr. Parker can remember.

Mr. REED.—Dr. Ernst is here now and would like to take the stand. He is anxious to get away as soon as he can. This is the second time he has been here.

The CHAIRMAN.—In a moment.

Q. (By Mr. BRANDEIS.) Now, besides these ten sets of books, what other books does this clerk Hinds keep?

A. That is all that I remember now.

Q. He keeps also certain books of Rainsford Island, doesn't he?

A. No, sir, he does not. I will tell you what he does keep, in regard to Rainsford Island—the admissions and discharges are still kept on our register and index book.

Q. Kept on your book, and consequently that is another separate book that he keeps?

A. No, sir; it is the same.

Q. It is included in your register, is it?

A. Yes, sir.

Q. He keeps also the Rainsford Island death book, doesn't he?

A. No, sir; he doesn't?

Q. Well, does he keep the requisitions on the storehouse?

A. No, sir; he does not.

Q. Then those ten sets of books he keeps, and that is his occupation?

A. Yes, sir.

Q. How long has he been engaged in that occupation?

A. I think a little over three years, but I wouldn't be positive.

Q. And what is the salary which he received for that important service?

A. One dollar per set.

Q. That is, per month?

A. Yes.

Q. He receives ten dollars a month?

A. Yes, sir.

Q. And that is the clerk to whom you entrust the keeping of the records of Long Island?

A. Yes, sir; and I think he is fully competent to do it, too.

Q. Well, he was an inmate, wasn't he?

A. Not when I went there; no, sir. He was clerk on the pay-rolls — ten dollars a month.

(The testimony of Dr. Cogswell was suspended at this point, in order that Dr. Ernst might testify.)

HAROLD C. ERNST, M.D. — *Sworn.*

Q. (By Mr. REED.) Your name is Harold C. Ernst?

A. Yes.

Q. And you are a physician?

A. Yes.

Q. Practising in Boston?

A. Yes.

Q. Where did you receive your medical education, doctor?

A. At the Harvard Medical School.

Q. And when were you graduated?

A. In 1880.

Q. Since that time, what has been your occupation?

A. The practice of medicine.

Q. Have you had any further course in medicine since leaving the Harvard Medical School?

A. Well, I have been abroad several times and took a special year's work at the school.

Q. Are you connected with any institutions professionally at the present time?

A. With the Massachusetts Hospital and with the Harvard Medical School.

Q. And what position do you hold in the Massachusetts Hospital?

A. I am one of the physicians to out-patients there.

Q. And with the Medical School what position do you hold?

A. I am a professor there.

Q. Professor at the Harvard Medical School?

A. Yes, sir; assistant professor — I am the head of the department.

Q. Now, last summer did you have charge of the Children's Hospital at Rainsford Island?

A. Yes.

Q. Will you kindly describe to the committee your connection with that — how it came about, what the summer hospital was, and where located?

A. The summer hospital was located in the old building on Rainsford Island that was originally built for a small-pox hospital. And my connection with it was, in the first instance, purely accidental.

Ald. LOMASNEY. — Mr. Chairman, I would like to ask if there has any criticism been made of the management of the Children's Hospital? If there has not been —

The CHAIRMAN. — I don't understand that there has.

Ald. LOMASNEY. — Well, I don't see the necessity of taking up the

time of the committee by going into the fact that he was there and established the hospital. That is settled by his own statement. I don't believe there is any need of going into the matter in this way, describing in detail everything connected with the hospital.

Mr. RILEY. — The newspapers have had it all.

Ald. LOMASNEY. — It seems to me if there had been an attack in any way as a public institution, it would be all right, but I certainly object to introducing details here in regard to a private institution, as I did once before, on the ground that it is unnecessarily taking up the time of this committee. He can establish the fact that he has been on Rainsford Island and is familiar with the institution, without going into, in any degree, the necessity or the advisability of the work done by that hospital there.

Mr. REED. — I haven't asked him any such question as that.

Ald. LOMASNEY. — Well, I simply spoke for the purpose of saving our time.

The CHAIRMAN. — The Chair thinks it is competent evidence to put in to show whether the building is a good building for hospital purposes.

The WITNESS. — I don't know whether the committee wants the whole story or some part of it, but my connection with the institution at all was purely accidental. I was on my way to the quarantine steamer. The suggestion of the need of a place for the sick children in the city came up. I had been impressed with that myself very much indeed, because I see in the summer all the children that come to the Massachusetts Hospital.

Q. (By the CHAIRMAN.) Doctor, excuse the Chair—you went down there and established a hospital, I understand?

A. Yes.

Q. And will you state to the committee whether the hospital suited your purpose or not?

A. Yes, it suited the purposes.

Q. (By Mr. REED.) When did you go there, doctor?

A. During the last week in July and the first week in August.

Q. Did you make application to the commissioners for permission to use that building as a hospital?

A. I made no application. The commissioners offered it.

Q. The commissioners tendered you the use of the building on Rainsford Island, did they not?

A. Yes.

Q. And you accepted that offer?

A. Yes.

Q. And established the hospital there. Now, do you remember, doctor, when the first instalment of patients was taken down there?

A. The 8th of August.

Q. And how long did you continue to use that building as a summer hospital?

A. The last patients were taken on the 15th and we closed it on the 18th.

Q. Did you have immediate charge of the hospital?

A. I did.

Q. The 18th of August?

A. Of September.

Q. Did you have immediate charge of the hospital?

A. I did, yes.

Q. And whom did you have to act under you as physician there?

A. Dr. Page, C. G. Page.

Q. And what provision was made for the nursery?

A. The Sisters of St. Margaret. There were two of them always and most of the time three, and we had from three to four trained nurses besides.

Q. And the transportation from the city to the island — how was that arranged?

A. It was furnished on the city steamer, the "Bradlee."

Q. Now, do you remember how many patients were treated there during the summer?

A. I don't remember exactly. The total of mothers and children that were there during the five weeks was 150. Of that number there were from 130 to 135 that were patients.

Q. Now, this old building was put in order for you by the commissioners, was it not?

A. Yes.

Q. It was cleaned throughout from top to bottom?

A. Yes.

Q. And thoroughly whitewashed and painted?

A. Yes.

Q. And the supplies and attendance were furnished in another way?

A. Yes.

Q. So the renovation of the building was a part of this good work that was furnished by the city?

A. Yes.

Q. Was any food supplied by the city?

A. The bread, the cold bread was furnished.

Q. Now, where did that bread come from?

A. It was sent over from Deer Island every day.

Q. Then you received your daily supply of bread for that children's hospital from Deer Island?

A. Yes.

Q. And what was the quality of that bread?

A. Very good, as far as I saw it.

Q. You considered that bread, then, a proper and suitable kind of bread for use in that hospital?

A. Perfectly.

Q. And as to the suitability of the building for the purposes for which you used it?

A. With some improvements, I shouldn't want a better building built to-day.

Q. Well, what was the result of this venture? Was it satisfactory?

A. I think so, perfectly.

Q. And a great deal of good was done for the sick children?

A. I think so.

Mr. RILEY. — What has all this got to do with the investigation?

Q. (By Mr. REED.) During your visits to Rainsford Island and down the harbor, did you ever go on to Long Island?

A. Yes.

Q. Have you ever visited the hospital there?

A. Yes.

Q. Did you go through the wards?

A. Yes.

Q. Now, after visiting the Long Island hospital and looking through the wards, with what impression as to that hospital did you go away?

A. A good one.

Q. Then you were favorably impressed on the whole with that hospital as a hospital for the purposes for which it was intended?

A. Yes.

Q. And I understand you to say that the old building on Rainsford Island, as prepared for you by the commissioners, was a suitable building for the purposes for which you used it?

A. Yes.

Q. (By the CHAIRMAN.) Dr. Ernst, how many children were there at any one time?

A. I cannot give you that without looking at the record. The largest household that we had that I remember was seventy-eight, nurses, mothers, and children.

Q. And this was a hospital for sick children, was it?

A. Yes, sir.

Q. And what were the diseases of the children?

A. Mostly, of course, the diarrhœal diseases of the summer, but we had children with one or two cases of meningitis, one or two of tuberculosis.

Q. Well, was it a hospital particularly for the treatment of diseases, or was it more for a convalescent hospital?

A. Oh, very distinctly for the sick. The children were selected from the sickest in the city and were kept there until they got well or not.

Q. (By Ald. LOMASNEY.) I would like to ask a question. You wouldn't expect, doctor, to have the children and the attendants at that hospital fed on the same kind of bread that the prisoners at Deer Island had, would you?

A. I don't know whether this bread was the same or not. The bread was sent to us.

Q. No, all you know was, that the bread you got was suitable and was good?

A. That is all I know about it.

Q. Well, the bread that was furnished to the paupers at Long Island or Rainsford Island or the prisoners at Deer Island you don't know anything about?

A. I don't know anything about it, sir.

Q. Now, how was the hospital supported?

A. By contributions from the public.

Q. Have you ever made a report?

A. Not in print.

Q. Well, did you submit a report in the papers?

A. Only the totals. There was a report to each subscriber.

Q. Well, is there any report or document showing the good work you have done, in either printed or written form?

A. I believe Mr. Curtis has a copy, yes, sir.

Q. He has?

Mr. REED. — I have a copy, the copy you sent me.

The WITNESS. — Yes, sir. It is a copy like that which I have sent to each subscriber with a blue print of the hospital.

Q. (By the CHAIRMAN.) Doctor, one more question I meant to have asked you, and that is why the children were sent away on September 18?

A. Because the weather was getting cold and the funds were getting low and all experience has shown that a hospital of this kind rather loses its usefulness about the middle of September.

Q. Well, in your opinion would that hospital have been a fit and proper place for those children during the winter months?

A. Not for that sort of a child; no, sir.

Q. What?

A. Not for a child sick with that sort of disease; no, sir.

Q. Well, do you think it would have been for any sort of disease?

A. For a certain class of cases, yes; I should think it would be a very good place for them.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Doctor, who were these children who went to the hospital?

A. Who were they?

Q. Yes.

A. Well, some of them were patients of mine at the Massachusetts Hospital. They were collected from all over the city and all over the suburbs. I can hardly tell you.

Q. Were they what is called paupers?

A. They were anywhere from very poor to paupers.

Q. Were their parents in the asylum in any way?

A. Not that I know of.

Q. This was really a private charity undertaken by you and your friends and associates?

A. Practically my own work.

Q. Practically your own, with Dr. Page?

A. Well, he was my house officer. He had nothing to do with getting it up or the management.

Q. And it stood just as the numerous philanthropic movements of the city stand—as a private institution?

A. Yes.

Q. Did Dr. Jenks—it was he who made the suggestion to you, was it?

A. Yes, sir.

Q. Did Dr. Jenks suggest to you that there were any legal doubts as to his right to put the city's property at your disposal and go to the expense of fitting it up in any way?

A. I heard no such doubts expressed.

Q. He never expressed any doubt at all as to the power or right to do that in any way, did he?

A. It never entered my head to question it.

Q. And the fitting of it up was a matter that was done with the greatest possible expedition, wasn't it?

A. Yes, like an emergency case.

Q. And he didn't express any difficulty in complying quickly with the purpose of fitting it up?

A. No.

Q. Well, now, doctor, you had there about how many children, how many children on an average?

A. On an average a day?

Q. Yes.

A. Well, I answered that question a moment ago—that I cannot tell you exactly.

Q. I know, but you have an impression of about the average?

A. I know, mothers and children together, that we averaged anywhere from fifty to sixty.

Q. And there was a mother to each child?

A. Not always.

Q. In most instances?

A. Most instances, yes, sir.

Q. So you would say that there were about thirty children?

A. From thirty to thirty-five, yes.

Q. And in addition to those there were perhaps twenty to thirty mothers?

A. Yes, the numbers varied very much from day to day.

Q. Now, in addition to those, how many of the sisters of St. Margaret were there?

A. Always two and sometimes three.

Q. What was the function of the sisters of St. Margaret?

A. One was general manager, looking after the general household purchase of supplies and securing help, and another had nothing whatever to do but to prepare the children's food, and another would come down to help.

Q. And then were these sisters of St. Margaret experienced in connection with the sick?

- A. Very much so.
- Q. They were trained themselves?
- A. Yes.
- Q. As nurses?
- A. I don't know whether they would be called trained nurses. They have had great experience, however. I don't know whether they have taken diplomas or not.
- Q. Great experience in treating the sick?
- A. Yes.
- Q. And in addition to those three sisters of St. Margaret there were a number of what is strictly termed trained nurses?
- A. Yes.
- Q. How many of those?
- A. On the average three.
- Q. And by trained nurses you mean nurses who have had regular courses of instruction?
- A. Yes.
- Q. And graduated. Where did these graduate?
- A. I don't know.
- Q. At some of the hospitals here?
- A. I think one or two of them were English. I don't know that they graduated here, but they were what is spoken of as trained nurses.
- Q. So that you had three sisters of St. Margaret and three nurses to take charge, in addition to the mothers, — whatever they might do or whatever you might let them do, — to take care of thirty or thirty-five children?
- A. Yes, whatever we might make them do. It wasn't what we would let them do.
- Q. Did you ever go to Rainsford before until you happened to go down this time?
- A. Never was on the island.
- Q. Had you ever been on Long Island up to that time?
- A. Yes.
- Q. When?
- A. Shouldn't like to say. I think it was about two years ago I went down. I was interested in the new plans of the new hospital and I think it was about two years ago last summer.
- Q. You went down with Mr. Wheelwright?
- A. No; I went down through conversation with him. I have forgotten exactly with whom I did go.
- Q. You haven't been there at any time during Dr. Cogswell's administration up to this visit you made this summer?
- A. No, sir.
- Q. And that visit was when?
- A. That I made this summer?
- Q. Yes; the other was two years ago, I understand. That was while Dr. Harkins was there and before they had the new hospital?
- A. Yes.
- Q. While they were planning the new hospital?
- A. Yes.
- Q. But this new hospital you never saw until this summer, when you were interested in your Children's Hospital?
- A. Yes, sir.
- Q. And that was when?
- A. That was during August. I can't say exactly when.
- Q. Sometime during August?
- A. Sometime during August.
- Q. Then you know nothing whatever of the condition of things at Long Island at the time when this investigation began, or at the time the Board of Visitors made their report that has been talked of?

A. No.

Q. You didn't mean in making that remark about this building that you occupied for the children for a month or so — you didn't mean to indicate that you thought the building at Long Island was an unnecessary luxury, did you?

A. No, I don't see how what I said could be twisted in that way.

Q. Well, this building that you occupied, you didn't mean to indicate that that would have been sufficient to take care of the paupers who were in the Long Island Hospital?

A. I didn't certainly mean to indicate anything of the kind.

Q. Well, what did you mean when you said something about improvements of the building that ought to be made?

A. Well, I meant that except for an emergency, if this building were to be used again or could be set aside for such a purpose, that with comparatively slight changes it might be a very good building, as good a building as I could find.

Q. For how many patients?

A. For about as many as we had last summer.

Q. That is, including the household, as you call it, of perhaps seventy to seventy-eight?

A. Yes. It is only fair to say that for that household we had some of the polling booths there which we used, one of them for a playroom, one for a washroom, and one for night nurses to sleep in outside of the building.

Q. That is, outside of the building you had annexes, as it were, to help you out, because it was crowded?

A. Yes.

RE-DIRECT EXAMINATION.

Q. (By Mr. REED.) Of the 129 patients that you had entered there, doctor, I believe there were seven deaths?

A. Yes.

Q. Were many of the cases when received very ill, many of the children very ill?

A. A large number of them were very ill. They were selected from the sickest children we could find in the city.

Q. Then all the children which you had there were very sick children?

A. Well, not all of them, but the majority of them.

Q. Acute diseases?

A. Yes.

Q. And you considered the rate of mortality very low?

A. I should consider it very low for such a connection as we had there?

CHARLES H. COGSWELL, M.D. — *Resumed.*

Q. (By Mr. BRANDEIS.) Dr. Cogswell, this clerk Hinds, who kept the ten sets of books and got the ten dollars a month, who had been at work three years doing that work, how long had he been on the island?

A. I don't know.

Q. Well, don't your records show how long he had been on the island?

A. Yes, sir.

Q. Well, cannot you turn to them and tell us?

A. I haven't got those records.

Q. Haven't got those records here?

A. No, sir.

Q. Well, you know something about this clerk Hinds, don't you — about his last experience?

A. Only what I have heard — that is all.

- Q. Yes. You know something about him, don't you?
- A. Yes, sir.
- Q. Well, what do you know?
- A. Well, what do you want to know.
- Q. Well, what was he before he was clerk?
- A. I think he was a book-keeper. He was a book-keeper at one time and a travelling salesman at another.
- Q. In the city?
- A. Yes, sir.
- Q. And how did he happen to be down at Long Island?
- A. He was sent, as I understand it, from the City Hospital to the hospital at Long Island, suffering from acute nephritis.
- Q. What is that?
- A. Perhaps what you know as Bright's disease.
- Q. And that was three years ago, or longer?
- A. As I understand it, he was in the hospital about three months, and then he was put in as —
- Q. Clerk?
- A. To take charge as clerk?
- Q. And he is in good health now?
- A. Yes, sir.
- Q. How old is he?
- A. I haven't the slightest idea.
- Q. Well, you have some notion?
- A. Well, I should say that he was about 50. He may be ten years older for all I know.
- Q. This is the man to whom you pay \$10 a month, and entrust the keeping of all the records of Long Island?
- A. No, sir.
- Q. All except certain hospital records, don't you?
- A. There are the hospital records, the receiving-room records, and the store records.
- Q. That is, the hospital and storeroom records are not kept by him?
- A. No, sir.
- Q. Everything else is?
- A. The purely institution records, what are called the institution records, are kept by him.
- Q. Those and the burial records — death and burial records?
- A. Yes, sir.
- Q. And this is the man who deceived Mrs. Moran?
- A. It looks that way; but I think he did it through a sort of kind-heartedness on his part.
- Q. Yes; that is, he told a lie from laudable motives. Well, now I would like to have you show us the record of the burial of Edward Cuddy?
- Q. Well, let me see the record which shows what disposition was made of Edward Cuddy's body. (Witness showed book to counsel.) You are showing us now, doctor, a book called the "Record of Deaths," and at the top of page 5 you have there, "No. 8796, Edward Cuddy; age 70; date of death, Nov. 21, 1893, at 6.20 P.M.; disease, senile debility; remarks, sent to the city." That is the whole record?
- A. Yes, sir.
- Q. Now, Dr. Cogswell, when was that record made?
- A. That was made at the time of his death.
- Q. You mean that those words were written at the time that Cuddy died?
- A. Not in this book, no, sir; those words, part of them were written at the time of his death and part afterwards.
- Q. You say those words in that book were not all written at the time of his death?

A. No, sir.

Q. But some of the words were written at the time of his death?

A. Yes, sir.

Q. Now, what words were written at the time of his death in that book?

A. This book is copied, a part, from that book there.

Q. It is a copy, you say, from some other books?

Mr. REED. — That isn't what he said.

The WITNESS. — I say it is a copy from other books.

Q. (By Mr. BRANDEIS.) Now, when was this book which you say is a copy — when was that written?

A. Oh, that was written sometime about the first of last February.

Q. The first of last February?

A. Yes, sir.

Q. After the Board of Visitors were down there visiting, was it?

A. Yes, sir.

Q. And when was it written up, when was it completed?

A. The last entry was made in it December 2 — no, December 1.

Q. December 1?

A. Yes, sir.

Q. Last Saturday?

A. Yes, sir.

Q. Now, in whose handwriting is that book?

A. The clerk's.

Q. That is, in clerk Hinds' handwriting?

A. Yes, sir.

Q. Now, you say the words that are in there are copied from some other book?

A. Yes, sir.

Q. Now, what book shows that entry of Edward Cuddy which is in here on page 5? I think that book might be marked for identification something or other, so that we may refer to it.

A. (Examining.) There is an entry that was made in there at that time.

Q. Then you say that this entry in the book called the "Record of Deaths" occurring at Long Island, which you have just shown us, that the entry in regard to Edward Cuddy was taken in part from the book which you now have in your hand entitled "Record of Burials, 1893"?

A. Well, that is what it is printed, but it is really a record of death.

Q. Well, it is a record of burials, isn't it? The book is entitled a "Record of Burials"?

A. Yes, that is the way it is headed — "Record of Burials;" but it has been used and kept for a record of deaths, not burials.

Q. Now, you say that Edward Cuddy appears on page 22 of that book?

A. Yes, sir.

Q. No. 51?

A. Yes, sir.

Q. Well, now, what is the entry that appears there on that book?

A. "Edward Cuddy, age eighty; date of death, November 21, 1893; senile debility."

Q. Well, the word "senile" is written in in pencil, isn't it?

A. Yes, sir. I should say that is Dr. Parker's handwriting.

Q. The "senile"?

A. Yes, sir.

Q. And in whose handwriting is that entry you have just read?

A. That is in the handwriting of Charles Coakley, an inmate down there.

Q. Charles H. Coakley, is it?

A. I don't know. I know him as Charles Coakley.

Q. Now, you say part of this entry in the record of deaths is taken from that book. Now, where does the rest of that entry come from?

A. The rest of that entry comes from the "Wharf Book." You didn't call for it, and I haven't it here.

Q. What do you mean by the "Wharf Book"?

A. Well, in that is entered the freight or whatever it may be that goes to or comes from the city.

Q. Well, then, in order to find out that that body of Edward Cuddy went to the city you have got to refer to the "Wharf Book," and see whether it appears among the freight and merchandise that comes to town, have you?

A. Yes, sir.

Q. Well, how do you find out? What book shows that fact?

A. This record of burials show that fact.

Q. Well, the record of burials is the book you now turn to?

A. Yes.

Q. That is the third book. Now, where is the entry in regard to Edward Cuddy?

A. Isn't any.

Q. Does Edward Cuddy appear there at all?

A. No, sir.

Q. Is there even anything except on the freight book showing that he was sent to the city of Boston? Is there, or was there prior to the visitors coming to the island, about the first of January, anything that shows that that body of Edward Cuddy was sent to Boston for anatomical purposes?

A. Yes, sir.

Q. Where is it?

A. This book here.

Q. How does this book show it?

A. Shows he wasn't buried on the island.

Q. You mean it doesn't contain any record that he was buried?

A. Yes, sir.

Q. It doesn't contain anything at all in regard to him, does it?

A. No, sir.

Q. Then from the simple fact that he doesn't appear there you infer that he must have been sent to the city.

A. Yes, sir.

Q. That is all?

A. Yes, sir.

Q. He might have been dropped into the sea and wouldn't be in there?

A. They don't drop them into the sea down there.

Q. Well, you send them often to the city for anatomical purposes?

A. No, sir.

Q. How often do you do it?

A. I should say perhaps sent half a dozen since I have been there.

Q. Now, there was no book at Long Island that showed the disposition of that body up to the time you prepared this book, as you say, in February, 1894?

A. Yes, sir; there was.

Q. There was no book showed it was there? What book showed it?

A. The freight book.

Q. Your freight book showed it?

A. Yes, sir.

Q. Well, what was the entry that was in that freight book?

A. That he was sent to the city and I have the copy of all the letters filed that we receive from 14 Beacon street to send bodies up for anatomical purposes.

Q. Well, what other freight was sent up at the same time that Edward Cuddy was sent to Boston?

A. I don't know, sir.

Q. What other freight was sent up on that same day?

A. I don't know, sir.

Q. What other things appear in that freight book as being sent up besides the body of Edward Cuddy?

A. I don't know, sir.

Q. Don't you know what sort of freight you sent up?

A. Yes, sir.

Q. What kind of freight do you send?

A. We send empty milk cans.

Q. Yes — what else?

A. Send bread-boxes, empty bread-boxes.

Q. What else?

A. We send wheelbarrows.

Q. Yes.

A. These are not all sent to the city. These are what we send on the "Bradlee" away from the island.

Q. Yes.

A. We send empty grain bags, we send empty barrels, we send old bones, old iron.

Q. Well, now, in addition to these three books which you have produced there is a small memorandum book which is termed a burial book, isn't there, which you kept?

A. I have one that we started, yes, sir, — the first one we started.

Q. And that is this small book which I now have in my hand?

A. Yes, sir.

Q. And who kept that book?

A. Hinds.

Q. Hinds kept that book — and while that book was being kept, was any other book kept?

A. Yes, sir; this one was kept.

Q. Which?

A. The one I have just shown you.

Q. They were both kept at the same time?

A. No, sir.

Q. Both kept by him?

A. Yes, sir; both kept by him.

Q. This book which is the third book you showed to me called the "Record of Burials, Long Island," when was that written up?

A. That was started just after this.

Q. The small book?

A. No, just after the burial book, sometime last spring.

Q. That is, this book called the "Record of Burials," the third book you gave me?

A. That was.

Q. That is not a contemporaneous record, this book here?

A. Yes, sir.

Q. Do you mean to say these words here, "Honora Powers, June 5, 1893, date of burial June 16, 1893," were written anywhere near June 16, 1893?

A. No, sir.

Q. What do you mean?

A. I mean when we first started our burying ground down there we kept that small book until we got this larger one.

Q. Now, when did you get this larger one in which you keep the record of burials, you say, now?

A. I said sometime last spring.

Q. That is, after this investigation began?

A. No, sir.

Q. Or after the Board of Visitors went down there?

A. Yes, sir, — after we had the first three fires, too.

Q. And up to that time this small book which I have in my hand, which resembles a grocer's pass-book, was the book in which you kept the record of the burials?

A. Yes, sir.

Q. Now, on what theory is this book kept? Describe this — "June 16, 1893, Honora Powers" — what does this book show?

A. When a person died and the friends didn't call for them the deputy took the body and took it down to the cemetery and buried it and put a cross at the head of the grave, a number.

Q. Yes.

A. Then he came back and gave the name and number of the grave to the clerk and he put it in this book.

Q. Yes. Well, in whose handwriting is this book?

A. Clerk Hinds'.

Q. That is Hinds', too, is it?

A. Yes, sir.

Q. Well, now, we have here on the first and second pages of this what appears to be a record of the first twenty-eight interments?

A. Yes, sir.

Q. Running from June 19 to November 23, and then on pages four and five we seem to have a record of the same interments?

A. Yes.

Q. What is the occasion of that?

A. Well, if you will look here at the first you will see that it doesn't look quite as neat as Mr. Hinds thought it ought to. That was occasioned by the fact that if we buried a person in grave ten for instance, and after they had been buried some time their friends called for them, we put the next person that died in grave ten and then he erased the name, the first name, from grave ten and put in the second.

Q. Now, when was this second series of records made on pages four and six?

A. I couldn't tell you as to that exactly, when he did start it.

Q. Don't you know?

A. No, sir; I don't know.

Q. After the visitors went down there, wasn't it?

A. No, sir; I think it was two or three months before they went down. That is my impression.

Q. Now, isn't the last person who is entered here, on this first attempt at a record, Mary L. Robinson?

A. Yes, sir; November 23, 1893, and the visitors came in January, 1894.

Q. Well, on the other record she appears as December 18, doesn't she—December 18, 1893, this same Mary L. Robinson?

A. Yes.

Q. And the first entry after Mary L. Robinson which is down there is January 23?

A. That is Ann Cooney.

Q. Ann Cooney, January 23, is the first entry between December 18 and January 23?

A. Yes, sir.

Q. Now, was the health of the island such that nobody died between those dates?

A. No, sir; but the friends of those who did die probably had a little more money and so took their friends. They died just the same, but we didn't bury them.

Q. Now, let us see who died. Let us see what happened between these dates. Apparently Mary L. Robinson, December 18, 1893, was the only person between November 23 and January 23. Let us see what happened to bodies between November 23 and January 23, this

period of two months, which is covered by this grocer's pass book record. Let us see what happened to them. This record of deaths will show it, won't it?

A. Yes, sir. Now, what is it you want, December 18 to January 23?

Q. From November 23 to January 23, this period of two months. Now, you turn to the record of deaths and see what death there is next after November 23. Let us have that?

A. Mary Gallagher, November 29, was taken by her friends.

Q. Yes — what comes after Mary Gallagher? What is the next death after that?

A. William O'Brien, December 3, buried.

Q. Yes. Now, you look at this book that was kept, this grocer's pass book burial book which was kept by —

Mr. REED. — Why don't you call it a bank book? It looks more like a bank book than a grocer's pass book.

Q. (By Mr. BRANDEIS.) That was kept by Mr. Hinds; and point out where William O'Brien was buried, where he appears here either in the original or in the amended condition of the record.

A. He was buried in —

Q. Well, how does he appear to have been buried in that burial book?

A. He appears to have been buried on November 23.

Q. Yes — appears to have been buried six days before he died, doesn't he?

A. Yes.

Q. Well, that is a remarkable case?

A. Yes, it is.

Q. What you might call being buried alive?

A. Yes, sir.

Q. And living six days afterwards — that is good. Now, where was he buried?

A. I —

Q. Well, where was he buried? It appears here also where he was buried, doesn't it?

A. Yes.

Q. What grave?

A. Grave 27.

Q. Now, did he occupy that grave all alone or does he appear on this record to have shared it with somebody else?

A. Shared it with somebody else.

Q. Well, with whom did he share it?

A. At that time shared it with John McManus.

Q. John McManus and William O'Brien together occupied grave 27?

A. Yes, sir.

Q. That is Hinds' record here, the amended record, isn't it?

A. No, sir.

Q. Isn't that it?

A. No, sir.

Q. Isn't that the first amendment of the record? His first record he keeps on pages 1 and 2 of this grocer's book, the second record he keeps on pages 4 to 6 of this record book?

A. Yes.

Q. Well, now, in that book he appears to have shared the grave with John McManus and to have been buried six days before he died, doesn't he?

A. Isn't any date on it at all.

Q. Aren't there a couple of ditto marks under "November 23" which would indicate that?

A. Yes, sir; if we didn't have the other book to show it.

Q. But this little book was the only book you had at the time William O'Brien died, wasn't it?

A. No, sir.

Q. What other book?

A. We had that one.

Q. This book?

A. Yes, sir.

Q. I say that was the one book you had of William O'Brien's death, and where he appears to have been buried eight days before he died and to have been buried in the same grave with John McManus.

MR. PROCTOR — You are raising the time in your joke. It was six days the last time.

MR. BRANDEIS. — You are right, sir. This is one of the few instances, Brother Proctor, when you are correct.

Q. Now, let us pass on to the next person who died here. After December 3, who was the next man that died?

A. Louis G. Herrick.

Q. Louis G. Herrick, yes. Well, now, what happened to him after his death?

A. He was buried.

Q. He was buried afterwards — not before. Well, now, what appears to have happened to him? He seems to have been buried, does he?

A. Seems to have been; yes, sir.

Q. That is in your new record book. Now, what date was he buried — that is in your record book now? What date was he buried?

A. December 18.

Q. And died when?

A. December 7.

Q. December 7. Well, now, this record book, this grocer's pass book burial book which you have here, doesn't contain any record of his burial, does it?

A. Doesn't seem to there, no.

Q. No, it doesn't. There isn't any person buried between November 23 and January 23, according to this book, except Mary L. Robinson. Isn't that a fact?

A. No, sir.

Q. Who were according to that book?

A. Look at it and you will find it there.

Q. Who?

A. Dr. Parker is there, and he could probably have pointed it out to you.

Q. Where?

A. At the top of the page.

Q. Is that December 13 or 18?

A. I can't read the writing — December 18, I guess.

Q. You say he was buried December 18.

A. Yes.

Q. Well, this burial book isn't kept in order at all, is it?

A. Well, probably when he copied that over he might not have copied it exactly from the record — might have taken a different one.

Q. Well, but where did he copy it from at all? It doesn't appear here anywhere, does it, at all?

A. Might have had another book, for all I know.

Q. Yes. Well, who is the next man who died?

A. The next man was a woman — Hannah Downey, age 73, died of senile diarrhœa, and was taken.

Q. Her body was taken?

A. Yes, sir.

Q. Who was the next one?

A. Mary L. Robinson.

Q. What date did she die?

A. She died December 11, of senile debility.

Q. When was she buried?

A. December 18.

Q. Well, now, after that — who is the next after December 18?

A. Well, Mary Shea died December 12, of carcinoma, and her body was taken; James Murray died December 14, of phthisis, sent to the city for anatomical purposes; John Hurley died the 16th, of old age, his body was taken.

Q. Of December?

A. Yes; Georgianna Mahoney died the 17th, of phthisis, and her body was taken; Charles E. Swett died the 18th, senile debility, and his body was taken; Mary O'Brien died the 22d, of apoplexy, and her body was taken; Ann Cooney died on the 25th.

Q. Of December?

A. Of December, and was not buried until January 23.

Q. She wasn't buried until January 23?

A. No, sir.

Q. And what was the next?

A. The next was Hannah Hickey, who died on the 15th, of paresis, and was buried January 23.

Q. Now, doctor, we had a few moments ago an instance of John McManus and William O'Brien being buried in one grave, No. 27?

A. Yes, sir.

Q. Is that the only instance of people being buried in one grave?

A. No. William O'Brien was an infant about six months of age, and John McManus was a man.

Q. Well, they are still persons, aren't they, both of them?

A. Yes, sir.

Q. Those were cases of two persons being buried in one grave?

A. Yes, sir.

Q. Now, was that the only instance of two being buried in one grave, or was that a common practice down there with you?

A. It was a practice — we used to bury infants in the graves with adults.

Q. With their parents or with somebody else?

A. Well, I am happy to say that we never have had occasion to bury the parent and child at the same time.

Q. That is, it was your practice, then, to put in an infant as a sort of makeup in a grave that happened to be prepared that day for some adult.

Q. I wasn't? Well, what do you mean?

A. Well, when we buried an adult, if we had a child at that time we buried the child with the adult.

Q. Yes; and why did you do that?

A. Why did we do it?

Q. Yes; economy of graves?

A. Well, you might call it economy of graves.

Q. Well, why did you do it?

A. Economy of space.

Q. Well, is there any difficulty in finding space enough to bury the people down at Long Island?

A. Hasn't been up to the present?

Q. Well, why did you do it?

A. Well, just as you said, because we didn't want to use up any more ground than we were absolutely obliged to.

Q. Well, how much ground would it take for an extra grave?

A. If we put a child in a grave it would take just as much as it would to bury an adult.

Q. Well, how much is that?

A. Six feet six, two and one-half, five feet deep.

Q. And how large is Long Island?

A. I don't really know — somewhere around — the city owns about 168 acres.

Q. And you haven't room down at Long Island to give burial, decent burial, to a child?

A. I consider that decent burial.

Q. Is that something that you suggest?

A. That is what is done in the best cemeteries in this state. There are more graves in the State to-day that have two persons in the grave than there are that have got one, I will venture to say.

Q. You think there are, do you?

A. Yes, sir.

Q. You recommend that, do you?

A. Certainly I do.

Q. Well, why don't you put two adults in one grave?

A. We will when we get around to it?

Q. You propose to do that, do you?

A. Yes, sir.

Q. Why do you confine it to two? Why not take them all and put all in one grave?

A. Because I don't approve of it, don't think it is right.

Q. Well, where do you draw the line?

A. I don't believe in burying people by wholesale.

Q. You believe in burying them by twos, but not by wholesale?

A. If they happen to die that way, bury two or three. If they happen to die we bury as many as three in one day.

Q. And also in one grave — not only in one day?

A. No, not always in one grave. I think we have got three in one grave.

Q. Well, now, you had a good deal to say, doctor, about what the burial book showed in regard to Frederick Rallion, didn't you, and you thought or you argued in your opening argument that the burial book in regard to Fred Rallion would prove that Mr. McCaffrey hadn't told the truth, didn't you?

MR. REED. — Have you got a copy of that statement there, doctor?

MR. BRANDEIS. — Well, he can remember his argument. He must have learned it almost by heart.

MR. REED. — You didn't think so.

Q. (By MR. BRANDEIS.) Didn't you say that the date of Rallion's death and burial showed that Mr. McCaffrey couldn't have told the truth?

A. Yes.

Q. You argued that, didn't you?

A. Yes, sir.

Q. And the only record of his burial you had was this book here at that time — I mean the only contemporary record was this grocer's book that you had?

A. Yes.

Q. Now, I ask you whether it isn't true that that book shows that there has been a tampering with and an erasure of the date of Frederick Rallion's death?

A. No, sir; it does not.

MR. BRANDEIS. — Gentlemen, I will ask you each to look at this for yourselves. There is the entry about Frederick Rallion down at the bottom.

MR. PROCTOR. — Dr. Parker appears to know a good deal about that book.

MR. BRANDEIS. — Well, he does know a good deal about it.

MR. LEE. — Send in and get the glass.

MR. BRANDEIS. — Oh, you don't need a glass, only one eye.

Ald. WITT. — That one?

Mr. BRANDEIS. — No, down at the bottom there. This witness says that date doesn't appear to have been changed. You can examine it for yourselves. (To Ald. FOTTLER). You do not need to put it up to your eyes.

Ald. FOTTLER. — I can tell a little better, you know. My eyesight isn't very good.

Mr. BRANDEIS. — There is the date.

Ald. FOTTLER. — It isn't scratched.

Mr. BRANDEIS. — It isn't? I guess it is scratched. There is the date.

Ald. LEE. — What is it supposed to be — the 13 or 3d?

Mr. BRANDEIS. — It appears now in its altered condition, I think, the 13th.

The WITNESS. — Well, what was it before it was altered?

Mr. BRANDEIS. — That is what I don't think it is important to know. But it is sufficient to know that it is altered; that it has been tampered with since; that there is put in since.

Ald. WITT. — Hasn't that date there been changed, too?

Mr. BRANDEIS. — Oh, yes, there are other things which I will call attention to. I am not through with this yet, only taking one at a time. These are the beautiful records that are kept by the man who gets \$10 a month.

Ald. LEE. — Who is that?

Mr. BRANDEIS. — Hinds. Clerk Hinds gets \$10 a month for his valuable services.

Ald. WITT. — Reduce his salary; he isn't worth it.

The WITNESS. — No, if he couldn't change a record better than that he isn't worth \$10 a month.

Q. (By Mr. BRANDEIS. — Well, now, doctor, you gave us one of the books containing records, so-called records, of burials which were kept by Mr. Coakley. Will you turn to that book again.

Mr. PROCTOR. — What are his initials — C. W.?

Mr. BRANDEIS. — Charles H.

Q. Will you turn, Dr. Cogswell, to that — Well, now, Dr. Cogswell, I want to ask you some questions. If the witness is testifying, I would like to have it go on record. Now, Dr. Cogswell, if you are ready to go on with the testimony I would like to ask you a few questions. Are you ready now, doctor?

A. Yes, sir.

Q. Well, you said that this record book which you began of deaths and burials, which you began after the Board of Visitors went down to see you about the 1st of January, that that was copied in part from this other so-called record of burials of 1893, which didn't contain any record of burial. You said it was copied from there, didn't you?

A. Yes.

Q. Well, what part? — everything excepting these words, "Sent to the city," which don't appear there?

A. No, sir.

Q. What else?

A. Some of the causes of death.

Q. Well, now, let us see if there is anything else in this book. Turn back to Edward Cuddy, because he is an interesting figure.

A. Instead of taking the new record of death book show the number of the death, which doesn't mean anything, I had the registered number inserted.

Q. Of the inmate?

A. Of the inmate.

Mr. REED. — I want to call attention to the fact that Dr. Parker has that book now. In case it is claimed that changes have been made, I want to see where the book goes.

Mr. BRANDEIS. — Well, the changes had been made before Dr. Parker got it.

Mr. REED. — There is no evidenee of that, sir.

Mr. BRANDEIS. — Well, I think all the Aldermen have seen it.

The WITNESS. — Yes, but Dr. Parker has had access to that book for the last eight months.

(By Mr. BRANDEIS.) You think he made the change, do you?

A. No, I don't.

Q. And that that date, October 13, is not the correct date?

A. I don't think he made the change at all?

Mr. REED. — It doesn't make any difference whether he made the change or not. The matter has simply been referred to in view of your contention.

(The stenographer repeated the last two questions and answers on previous page.)

Q. (By Mr. BRANDEIS.) That is, the registered number of the inmates was what you said?

A. Yes, sir.

Q. Now, what else does it show?

A. It shows the time at which the patient died.

Q. Well, where do you get that?

A. From the institution record.

Q. Where is that?

A. Down at Long Island.

Q. Haven't that here? That is taken from another record?

A. Yes, sir.

Q. Now, what else does it show that doesn't appear on this first record of burials that you kept as a contemporaneous record?

A. But that isn't a record of burials.

Q. Well, you call it a record of burials — call it so by the printed words of the book.

A. Yes, sir.

Q. I suppose Mr. Curtis would call it so if he were asking questions about it, wouldn't he?

A. No, I don't think he would.

Q. As he did in regard to these diet lists?

A. I don't think he would.

Q. Now, what else does it show?

A. Shows whether they were sent to the city for anatomical purposes or taken by friends, or buried on the island.

Q. Now, this Coakley who kept this book was a proper person to keep the book, wasn't he?

A. He didn't keep the book, he only copied it.

Q. Well, this is the only record you had, wasn't it?

A. No, that isn't the only record we had.

Q. At that time? What other record did you have?

A. Had the record in the pedigree book and the record in the registry and the record in the record book.

Q. But this is the only death record you kept?

A. Yes, sir.

Q. And this was kept by Charles H. Coakley, wasn't it?

A. Yes, sir; under the supervision of the physicians.

Q. Yes, under the supervision of the physicians, whatever supervision they gave to it — and it was from this in part that you copied into this new record of deaths which was made up after the visitors were down there. Well, now, I wish you would look at these two books and see whether that was the same Edward Cuddy that appears in the two books?

A. Yes, sir; it was.

Q. Now, according to one book he was eighty years of age, and according to the other book he was seventy years of age. That is more remarkable than being buried before you die.

A. That book there, it was taken from his own statement and this age here was taken from the statement that he made when he came down to the institution, and we considered that this was more accurate than that, so we put down the seventy.

Q. Both of these ages, one seventy and one eighty, are taken from his own statement, aren't they?

A. I presume they were. I don't know about that, you know.

Q. Well, but when were these to statements taken? When was one taken and when was the other taken?

A. One was taken — I couldn't tell you, I don't know.

Q. Well, how do you know that one was taken at one time and one was taken at another?

A. Because this was taken when he came into the institution.

Q. What do you mean by this?

A. This one here, this record.

Q. You mean the one that appears in that book?

A. Yes, sir.

Q. Well, but that book wasn't made up until long after his death?

A. No, sir.

Q. Well, how is it that you took that?

A. We took it from our institution record?

Q. Well, who kept that record?

A. Mr. Hinds.

Q. And when was the other record made?

A. That was made, I suppose, at the time of his death.

Q. When did he give his age as eighty — at the time he was dying?

A. I don't know, sir.

Q. Was that after his death that he gave it?

A. Well, as to that, you know I wasn't present in either case, so I couldn't state.

Q. So you don't know anything at all about why in one case his age appears as eighty and in the other case as seventy?

A. I haven't the slightest idea; no, sir, excepting —

Q. You haven't the slightest idea?

Ald. FOTTLER. — He explained that once.

Mr. BRANDEIS. — He did not explain it. He attempted to by giving a certain statement which I think was no explanation.

Mr. PROCTOR. — Well, it is pretty hard to satisfy Brother Brandeis.

Mr. BRANDEIS. — No, I am easily satisfied with the truth.

Q. Now, explain to the Aldermen how it happens that in one book this man appears to be seventy years old and in the other book appears to be eighty years old?

A. This record that appears here —

Q. You mean by "here" the record made after the visitors were down there, and three months after his death?

Ald. LEE. — There weren't ten years elapsed, were there, between the making of the records?

Q. (By Mr. BRANDEIS.) Well, how long a time elapsed?

A. I think, Mr. Brandeis, I can explain it so that even you can understand it.

Q. All right.

A. When a man goes up to 14 Beacon street, he is supposed to give his age.

Q. Yes.

A. Yes, and if his friends are with him they give it. That is taken on the permit which we receive.

Q. Yes.

A. If he goes into the receiving-room he is asked his age

Q. Over again?

A. Over again.

Q. Yes.

A. Sometimes he gives it the same, sometimes he doesn't.

Q. Yes.

A. And we take the one that we think is nearest his age.

Q. But you seem to have taken both in this instance?

A. They were not taken by the same man, and probably their judgments differed, you know.

Q. How do you know they weren't taken by the same man?

A. Because one was taken from the hospital and comes from the hospital records, and the other was taken at the institution.

Q. Yes, but you said a few moments ago, when it was first called to your attention, that this entry in this book, "Edward Cuddy, age seventy; date of death November 21, 1893; senile debility," was copied from this other book which was kept in Coakley's handwriting?

A. No, sir; excuse me—if the stenographer will turn back far enough he will learn that I said that some things were copied from that book and some things from others.

Q. Yes, sir; and you were asked which were copied from this book and you read that.

(The stenographer read the testimony given by the witness shortly after his statement was resumed, in reference to the record of the burial of Edward Cuddy, and going through the witness' statement in regard to the way the record was made up.)

Q. (By Mr. BRANDEIS.) Yes, and the rest comes from the wharf book. Now, I asked you what books that entry came from, and you said a part of it which you read here came from page 22 of the record of burials and the rest of it came from the wharf book. Now, is that correct? Does the wharf book contain a record of the fact that this man was seventy years old?

A. No, sir; and it doesn't contain his registry number, either.

Q. No; then that statement you made is not correct?

A. I think if you will go back far enough you will find that I said that this record here was made up from the record of several books.

Q. Yes.

A. That we try to have this one as correct as possible.

Q. Yes, and I asked you what books it was made up from and you gave as an answer from this book, page 22, and from the wharf book.

A. It was also made up from our institution register.

The CHAIRMAN. — Dr. Parker will please take his seat in the audience.

Q. (By Mr. BRANDEIS.) Now, Dr. Cogswell, you said that this book which is entitled "Record of Burials," was not a record of burials at all, but was a record of deaths?

A. That is the book that I found when I went there, that had been kept.

Q. Yes, and you kept it in just the same way?

A. Kept it the same way for a while and then had this other one.

Q. What do you mean by the other one?

A. This one here.

Q. That book you didn't get until after the visitors had been down there?

A. No, sir; I did not.

Q. Then, as I understand it—I would like to be sure that I get the witness on this—

Mr. PROCTOR. — You won't get him.

Mr. BRANDEIS. — Get him? He is snarled up already so that he can hardly move.

The CHAIRMAN. — Go on.

Mr. PROCTOR. — I beg pardon for interrupting Brother Brandeis.

The CHAIRMAN. — If there were less of this cross-fire between counsel we would get along better.

Q. (By Mr. BRANDEIS.) Now, Dr. Cogswell, I want to see if I understand you. You say you came down there and found this book which is entitled "Record of Burials," but which you say is record of deaths and which is in Coakley's handwriting on page 22. You say that you found that book in use down there when you got there as a record of deaths, but not of burials, and that you kept this book awhile until after the visitors were down there, and then you started the book which you have there. Is that a fact?

A. I say that was in use when I went down there. I didn't know anything about it.

Q. Now, is the statement which I have made of your testimony correct?

A. As to what?

(The stenographer repeated the question.)

Q. Is that correct?

A. It was in use when I went there.

Q. As what?

A. As a record of deaths and burials.

Q. Burials also?

A. In so far as it related to whether a body was sent to Rainsford Island or not. We didn't begin to bury on Long Island until some months after I had been there.

Q. When?

A. In June, I think, it was either June or July. I think it was in June—yes, about the middle of June when we began to bury there.

Q. Yes.

A. And consequently they didn't have any use for a burial book, as I understand the use of that book—of course, I didn't start it, and I don't know what it was intended to be as I had nothing to do with it. That is my impression, from my knowledge of what they used to do there.

Q. Yes.

A. That it was not a burial book. It was intended, I think, for a burial book to be used at Rainsford Island, and instead of using it for a burial book at Rainsford Island they used it for the death book at Long Island.

Q. Now, will you look at that book and see whether this book does not show, just as this book, that you started after the visitors were down there—does not show what bodies were taken and what bodies were buried, that is, prior to the time when you had charge?

A. Yes, it does.

Q. Then this defective method of not keeping in that book which is printed as a record of burials, not keeping in it the fact of burials and whether a body was taken or not, or whether it was sent to the city for anatomical purposes—that was something which crept in after you got there?

A. No, sir.

Q. That was a defect that crept in after you took charge at Long Island?

A. No, sir.

Q. Isn't it a fact that as long as Dr. Harkins was at Long Island that book was properly kept as a record book of burials as well as deaths?

A. No, sir; it isn't,

Q. It isn't?

A. No, sir.

Q. When did Dr. Harkins leave Long Island?

A. As far as I know he left there March 20.

Q. Now, will you look on pages 14 and 15?

A. Yes.

Q. This contains the deaths and burials during what time?

A. It contains the deaths and burials apparently from January 9, 1892, to December 30, 1892, of the men. "

Q. Yes. Well, now, doesn't it, as a matter of fact, show whether they were buried and whether they were taken?

A. Not all of them; no, sir.

Q. Which one doesn't it show?

A. William R. Caswell, sixty-three years old, died December 1 — doesn't say what happened.

Q. That is the only one?

A. That is the only one there.

Q. How many in all?

A. I don't know. I should say about sixty.

Q. And every one is given?

A. But one.

Q. And the handwriting there, the record there, is largely in Dr. Harkins' handwriting?

A. About one-half Dr. Harkins' and the other half Charles H. Coakley's.

Q. A great part of it Dr. Harkins' — different words and diseases, all interspersed with writing by Dr. Harkins?

A. About half and half; yes, sir.

Q. Showing that he exercised supervision over the books?

A. Yes, sir.

Q. And that makes a very proper record, doesn't it?

A. I don't see how he could keep an accurate record even of that. He can only say there whether the body was sent to Rainsford Island or whether it was taken, unless he has some knowledge that I do not know about.

Q. Whether it was buried or taken?

A. Well, might not have been buried.

Q. Well, it appears there "buried" — buried and taken.

A. Yes, sir.

Q. And that record is properly kept, isn't it?

A. Appears to be on that page.

Q. And appears to be also on preceding pages?

A. Yes, sir; and that record is in Hinds' handwriting.

Q. Some of it, and some Dr. Harkins'?

A. Twenty in Mr. Hinds' and five in Dr. Harkins'.

Q. And with Dr. Harkins having a supervision over the page — it so appears, doesn't it?

A. Over one part of it.

Q. Yes; and then comes the period of time in which you were in charge where there is nothing appears on this book to show whether the body was buried, or taken, or sent to the city for anatomical purposes?

A. Not in that book; no, sir.

Q. Between June, 1893, and February, 1894.

A. I say, and I said before, that I didn't know they kept that book there on the island.

Q. Didn't know anything about it?

A. I supposed it was kept in another book. I knew the record of deaths was kept in another book, and I didn't suppose they kept that in addition.

Q. Then the only book you knew of was this little grocer's pass book?

A. No, sir. That isn't a death book, a burial book — knew all about that, because I started it myself.

Q. Where is the other death book?

A. It is the institution record, and also kept in the hospital, kept in the hospital register.

Q. Wasn't it, doctor, just after Dr. Parker testified that that book was made up fresh, and Mr. Hinds made a fresh copy of it?

A. The death book was made up before he testified.

Q. Yes?

A. The death book was.

Q. The death book was made up, I think, before this investigation began.

A. The burial book, I think, was made up — I don't know exactly — if you could give me the date of Dr. Parker's testimony I think I could give you a little more accurately when the book was made up.

Q. When did Mr. Hinds begin to keep that death book?

A. The death book?

Q. Yes.

A. I think right after the 1st of February.

Q. That is, after the visitors were down there?

A. He began to keep it just within a few days after I saw the first death book. I didn't think it was a book that should be kept in the hospital. I thought it should be kept as a part of the institution records.

Q. That was the first time you knew about it, was it?

A. Yes, sir. Dr. Parker brought it to me and showed it to me. I didn't know it was there.

Q. You had been in charge down there at the hospital, superintendent for nearly a year?

A. Yes, sir.

Q. And didn't know about this book, didn't know about what records were being kept?

A. Yes, sir; I did.

Q. But you didn't know about this record?

A. No, sir; I didn't.

Q. Well, what other records didn't you know about?

A. I guess this is about the only one.

Q. About the only one?

A. Yes, sir. There haven't any others been discovered since that I didn't know about.

Q. Haven't?

A. No, sir.

Q. When that body of Edward Cuddy's was sent up for anatomical purposes, was any other body sent up also?

A. Yes, sir.

Q. What others?

A. Two others.

Q. What others?

A. Alexander Wallace, and the other one I don't remember.

Q. And where did they go to?

A. I don't know, sir.

Q. You don't know where they are sent to?

A. No, sir; I don't.

Q. Are they sent up on orders of the commissioners?

A. Yes, sir.

Q. And what orders do the commissioners give under those circumstances?

A. To send the body of whoever it may be to the city.

Q. Do they designate what bodies shall be sent up?

A. Yes, sir; they do. We notify them every time a person dies there. After they have been dead five days, if there don't any one come to claim them we notify them that such and such a person has died and is to be buried at the public expense, that no friends have come to claim them. Then if they see fit to hand them over to any organized medical school they have the power to do so.

Q. That is, you always wait five days after the death before notifying?

A. Yes, sir; I think we do.

Q. Always wait five days?

A. Might notify sometimes at the end of the fourth day.

Q. Whom do you notify at the end of the fourth day?

A. The commissioners.

Q. That is, you notify them in advance of the fifth day, do you?

A. Yes, sir.

Q. You do?

A. Sometimes, not always.

Q. Well, what does the "five days" mean, when you say you always wait five days?

A. Well, as I understand the law, the law says that if at the end of five days no one has come to claim the body of a person, if they haven't requested that they be buried, or no friend has requested for them that they be buried, that on the filing of a bond the commissioners have the right to deliver the body up for the advancement of anatomical science.

Q. Yes. Well, now, what day did this body come up to Boston?

MR. PROCTOR. — "This body" is very indefinite.

Q. (By Mr. BRANDEIS.) Edward Cuddy.

A. I couldn't tell you that without looking at our books.

Q. Just see whether you can find out?

A. No, sir; I couldn't tell you from any record I have got here.

Q. Could only tell from the freight book — that is all you could tell from?

A. Yes, sir.

Q. Well, don't you remember it appeared in the testimony that this Boston permit was dated the 25th of November — that is, only four days after the death of this man?

A. Dated the 24th?

Q. Dated the 25th — that is four days after the 21st, when the man died, according to your record?

A. Well, that would be five days.

Q. No, it wouldn't, would it? November 21 to November 25 is only four days.

A. If it was issued on the 25th and he died on the 21st, that would be but four days.

Q. You say that three were sent up?

A. Yes, sir.

Q. What three?

A. I think Alexander Wallace, Mary McCarthy, and Edward Cuddy.

Q. Do your records show that? Just turn to your records now?

A. I remember that those three bodies went up at the same time. I remember that three bodies went up at the same time, and I know Alexander Wallace and Edward Cuddy were two, and by looking at the book I see that Mary McCarthy was one. Those three went up together.

Q. Well, now, doctor, on pages 17 and 21 in the type-written copy of your argument, you speak about the difficulty you have had with the various male nurses you have had down there, how one after another left you, and then you say on page 21, "I have done my best to keep the places filled, but the law has not been passed yet to enable me to go up to town and take a desirable man by the collar and say, 'Here, you come down to Long Island and work at nursing'?"

A. Yes, sir.

Q. Well, now, how much do you pay these men whom you get down there to do this important work of nursing?

A. Two men get \$20 a month and one gets \$25.

Q. Have you ever tried to see whether by paying more you could get desirable men to go down to Long Island?

Mr. PROCTOR. — Pardon me if I interrupt. I would like to know if that includes the living or not.

Mr. BRANDEIS. — You had better ask when I get through. I prefer that you should not interrupt me.

Mr. PROCTOR. — All right. Excuse me for living.

Mr. BRANDEIS. — Oh, you are a joy always.

Mr. RILEY. — You are living pretty well.

The stenographer repeated the last question.

A. I never have.

Q. (By Mr. BRANDEIS.) You never have tried?

A. No, sir.

Q. You heard the testimony here of Mr. Dudley in regard to the difficulty of getting people to go down to Long Island because the salaries were not sufficient, didn't you?

A. I did.

Q. Have you got anything to say in answer to that testimony?

A. I don't carry it in mind now enough to know whether there are any points in it that it would be in my province to answer.

Q. Well, you don't consider Mr. Dudley as having any prejudice against you or the commissioners, do you?

A. I shouldn't think he had, none that I know of.

Q. You remember that he testified that the people who were passed on the lists as being certified properly to go down, on competitive examinations, wouldn't go to Long Island because the salaries were insufficient, don't you?

A. Some of them, yes, sir; if I remember correctly.

Q. Well, now, on page 8 of your argument, in speaking of the alleged lack of cleanliness down at Long Island, you say, "Cleanliness depends, in an institution, upon discipline; if I can't stop a man from spitting on the floor, from going out and coming in with mud on his shoes, and doing various other things, I can't expect to keep to the highest standard of cleanliness." Now, after the corporation counsel — Mr. Babson's opinion declaring that the commissioners have authority to prescribe rules and regulations concerning the conduct and occupation of the paupers at Long Island, and to enforce those rules and regulations, have you any doubt as to your ability, if such rules and regulations were enacted, to enforce the cleanliness down there?

A. Well, I don't know anything about his opinion.

Q. Well, it was read before you the other day. Don't you remember it?

A. Yes.

Q. Haven't you had any conversation with the commissioners about it since?

A. Yes.

Q. Well, you know his opinion then, don't you?

A. Yes.

Q. Well, under that opinion don't you think the commissioners have power to enforce rules and regulations, prescribe rules and regulations which you can enforce, and by means of them ensure that cleanliness which you so much desire?

A. My impression would be that if I were commissioner and a man had given one opinion at one time and another opinion at another time, diametrically opposed, and if I was going to follow out his second opinion, and if it didn't turn out to be correct I should lay myself liable to a suit for false imprisonment and civil damages. I should hesitate some time myself. I would follow his first opinion for a while.

Q. You would?

A. Yes, sir.

Q. Isn't it a fact that Mr. Babson was never called upon by the Commissioners to give an opinion before he did this written opinion?

A. I don't know anything about it, sir.

Q. You never heard of their asking him for an opinion?

A. No, sir.

Q. Don't you know they never did?

A. No, sir. I don't know that I even knew they asked him this second time until I heard it here. I don't think so.

Q. They never said anything at all to you about it?

A. No, sir.

Q. Never mentioned the fact. Didn't you confer with them as to what you were going to state in your argument here as to discipline and the like?

A. Didn't have a second's conversation with them. I only said what I had to say for myself. The commissioners, I suppose, will speak for themselves.

Q. Well, now, doctor, coming back a moment to that matter of sending up the bodies to the city, you say you remember sending up Mary McCarthy's with the other two?

A. Yes, sir.

Q. With Wallace and Cuddy?

A. Yes, sir.

Q. Well, how do you happen to remember that fact?

A. Because in looking up this testimony here in regard to Cuddy, I looked up the letter and saw that the commissioners called for three persons at the same time.

Q. Yes.

A. And Alexander Wallace, having figured somewhat prominently here, I remembered him in addition to Edward Cuddy.

Q. Yes. And he died also on that same day, the 21st?

A. Oh, no, no. He died some time before.

Q. When did he die?

A. I think he died on the 14th.

Q. Did he?

A. I wouldn't say exactly as to that (examining records). He died November 14.

Q. Well, now, on page 1,060 of the record of the hearings the following appears as the record in the office of the Board of Health: "Date, Nov. 25, 1893. Name, Alexander Wallace. Date of death, Nov. 21, 1893." That is on page 1,060 of the printed records. How do you account for that?

A. I rather think if you looked that up you would find that it referred to Edward Cuddy.

Q. No, but I am reading what is in quotation marks.

Mr. PROCTOR. — Whose testimony is that?

Mr. BRANDEIS. — Mr. Davis' testimony.

Mr. PROCTOR. — Whose question?

Mr. BRANDEIS. — In answer to my question, but I suppose the witness can be believed — Charles E. Davis, Jr., of the Board of Health. It is copied from the records. I asked him, "Will you take the next one, 4,402?"

"A. Well, do you wish me to read it?"

"Q. Yes; please read it."

"A. (Reading): 'Date, November 25, 1893. Name, Alexander Wallace. Date of death, November 21, 1893. To Mt. Hope for interment. J. Tinkham, undertaker. Commissioners of Public Institutions, Michael T. Donohoe, Secretary.'" That was receipted for anatomical purposes?

A. That wasn't so.

Q. Isn't that so?

A. No, sir.

Q. You remember that testimony, don't you? You were present?

A. I was present at the testimony — when he gave the testimony, yes, sir.

Q. Well, that is what appears on the Board of Health's records, isn't it — what was read by Mr. Davis at that time?

A. May not have appeared on the Board of Health's records.

Q. That is, you think Mr. Davis read it falsely?

A. He might have made a mistake — might have read across the line and made a mistake on it.

Q. Well, now, how do you happen to remember that Mary McCarthy was sent up for anatomical purposes at the same time?

A. As I say, when I came to look up this matter I found that in the same letter where they called for Edward Cuddy they had called for two other bodies, and I remember Alexander Wallace as I said, because he had figured here quite prominently. If you remember, when I first testified I did not remember who the third one was, until I looked here in the book and saw it was Mary McCarthy.

Q. Don't you remember something about Mary McCarthy besides what you have testified?

A. Yes, sir; I do.

Q. Well, what do you remember?

A. I don't remember enough to be accurate in my statements, and so I don't think I am called upon to state at this time, but if you will let me come up here at another hearing —

Q. Now, I want your recollection now, doctor, what you remember — then you can give us what additional information you get at the next hearing.

A. I remember that there was some trouble about this Mary McCarthy.

Q. What was it?

A. As to which Mary McCarthy it was. There were, if I remember correctly, three Mary McCarthys, one or two at Rainsford Island and at Long Island. Perhaps Dr. Parker can explain it. He made notes of it at the time.

Q. What?

A. I say perhaps Dr. Parker may have made notes of it at the time, and can give a better explanation of it; more accurate than I can.

Q. Don't you remember what the specific trouble was about sending up this body?

A. No, sir; I do not.

Q. Don't you remember that after this body was sent up that the body was claimed, and that you hurriedly notified them not to send that body for dissection, but to send it back to Long Island, and that it was sent back to Long Island?

A. Yes, sir; I do.

Q. You remember that now, do you?

A. Yes, sir; I do.

Q. And those bodies had been sent up?

A. I don't remember even now whether the body had been sent or not, but my impression is that it had.

Q. Yes, and that they were sent up before the lapse of the five days?

A. No, sir; they were not.

Q. Well, Cuddy's was, wasn't it?

A. I don't know, sir.

Q. You just answered a few moments ago that it was only four days between November 21 and November 25?

A. Well, I don't know what date they were sent up, you know. They go up and get the permit for removal before we send the body. They might not have sent down for us to —

Q. Well, they have got to wait until the end of the five days, haven't

they, to know whether the body will be claimed? How can they get a permit to remove a body before the five days are over, according to law?

MR. REED. — That is a question for the Board of Health.

THE WITNESS. — I don't know anything about that. It isn't my business.

Q. When did Mary McCarthy die?

A. She died on the 18th, I think. She died on the 18th, I believe, — if she was sent up on the 25th that would be over time.

Q. Well, was she sent up on the 25th?

A. I don't know, sir. She couldn't have been sent up before, because we didn't have a permit to remove the body until the 25th, according to that testimony.

Q. Well, this testimony related to Wallace — wasn't any testimony here relating to Mary McCarthy?

A. All went up on the same boat.

Q. In the same package?

A. Similar packages, not the same.

Q. Well, now, doctor, you had here — oh, I want to ask you one other thing, doctor. You have answered Mr. Curtis' questions about the advantages of classification and occupation for paupers, in which I understand you fully agree with him.

MR. REED. — Did he ask him any such questions?

MR. BRANDEIS. — Oh, Mr. Reed, I think.

MR. REED. — Don't confuse us any more, Mr. Brandeis.

MR. BRANDEIS. — Well, Mr. Reed's questions, in which you agree with Mr. Curtis.

Q. What, Dr. Cogswell, did you say about the necessity of other buildings for the purpose of carrying out that?

A. Well, I said if you were going to carry out a moral and social classification I thought that, in order to have the classification complete and the separation complete, you would need a large number of small buildings well separated and isolated from each other.

Q. Yes, and that that was desirable for the purpose of carrying out your general plan of giving occupation to the inmates?

A. If you were going to give the inmates occupation down there I should judge that it would be necessary to furnish some indoor occupation, and in order to do that satisfactorily with the number of people that we have down there to-day I think that it would be necessary to have additional buildings for workshops.

Q. And that the present buildings, as now being constructed, are not well adapted for that purpose?

A. No, sir; they are not, I don't think — not for workshops.

Q. Well, now, this idea of classification and occupation which both the candidate for the mayoralty and you agree upon, this general plan for the institutions, is not a new idea — it is a pretty old idea, isn't it, in this city?

A. I think it is, yes, sir.

Q. When was that first brought up?

A. I can't give you the date. I think it was quite awhile ago, though.

Q. Yes. Did the commissioners, in speaking to you about your duties and qualifications for Long Island, refer in any way to the fact that this matter had been investigated under a committee appointed by the mayor and council of Boston some years ago with a view to the proper treatment of the poor?

A. I don't remember that they did, sir.

Q. You remember that there was some such report made after a full investigation, don't you?

A. You refer to the one of 1892?

Q. No, I mean the one that was made long before that, the one made in 1878?

A. No, sir; I wasn't personally acquainted with that.

Q. You hadn't heard of that in any way?

A. No, sir.

Q. Before it was put in evidence here.

A. Not before it was put in evidence, no, sir.

Q. You are sure the commissioners didn't mention any such thing to you?

A. Yes, sir; I don't think they did.

Q. But they did speak to you about the visitors' report of 1892?

A. No, sir; I don't think they did.

Q. Well, don't you think, doctor, that if for the purpose of carrying out the admittedly correct method of conducting this institution, recognizing classification and occupation, a different kind of building is required from that which they have got down there, it is unfortunate that the commissioners should have constructed a building of this kind at great expense, which is not desirable?

A. No, sir; because they would have to have this building any way. These other buildings are an addition to what we have got now. You have got to have a place for people to sleep, even if you do want them to work.

Q. Well, according to your plan, according to what you call, I think, the cottage system, were you going to have them sleep in the institution building?

A. No, sir.

Q. What were you going to have, then,—going to have two residences for those people?

A. No, sir; I was talking about one system of classification and you were talking about another. If they believed in the moral and social classification, why, of course they wouldn't have gone to work and built such a building as this, but I suppose their experience has taught them perhaps that the plan was rather Utopian.

Q. Had they ever attempted it in any way?

A. I don't know, sir.

Q. You know from what you heard here that the very idea of small buildings, cottage buildings of this sort, had been suggested in the earlier report, don't you?

A. I think I remember it; yes, sir.

Q. Well, now, you strongly approved of the idea of a separation of the sexes, didn't you?

A. Yes, sir.

Q. The greatest possible separation of the sexes?

A. Yes, sir.

Q. Well, don't you think it unfortunate, if that is to be carried out, that the two sexes should be on the same island within a comparatively short distance of one another?

A. I think that the separation can be carried out sufficiently well even on the same island.

Q. How do you propose to do it?

A. I can hardly conceive of an institution of that kind without some men around, and I think that on that island we can keep them as well separated—

Q. You think you can keep all the men and all the women separate?

A. No, sir; I do not.

Q. Well, how do you propose to keep the men separate from the women on that island?

A. I don't propose to have the men go on the portion of the island which is reserved for the women, nor the women on the portion of the island reserved for the men.

Q. How are you going to prevent it?

A. Well —

Q. What is the distance — just what is the distance?

A. About 450 to 500 feet.

Q. Between what?

A. Between the men's and the women's dormitory.

Q. Yes. Now, how are you going to prevent the men and women from meeting on that island — communicating in some way if they don't absolutely meet?

A. I have got notices prohibiting the men from going on certain portions of the island, and I am going to have notices prohibiting the women from going on certain portions of the island.

Q. Well, under your ideas of the discipline and powers of discipline of the commissioners, you don't have much faith in putting up notices, do you?

A. Well, it works fairly well.

Q. You don't seem to have had much success here, do you, according to the idea you have given us in your argument?

A. I can do certain things, but there are certain things I cannot do.

Q. Well, you think you can keep the men away from the women, do you, and the women away from the men?

A. I think I can.

Q. How are you going to do it?

A. Just as I said.

Q. That is, by posting notices?

A. And prohibiting them from going there, and if I see any one going there, or any officer sees them going, discharge them.

Q. And then have them come back the next day?

A. I hope by that time that they won't.

Q. Then you have got to rely upon yourself and the officers seeing whether they obey your rules, have you?

A. Certainly.

Q. And that is all you propose to rely on, is it?

A. Yes, sir.

Q. How many additional officers are you going to have there as a police, to watch between?

A. I can't tell as to that.

Q. Well, how many do you think would be necessary in order to keep the sexes apart?

A. Well, we will have to determine that after we get them there.

Q. Have you discussed the matter with the commissioners?

A. Yes, sir.

Q. What were your discussions? When did you first discuss it with the commissioners?

A. I don't remember.

Q. How long ago?

A. I couldn't tell.

Q. About how long ago?

A. Oh, it was quite a long time ago.

Q. Pending this investigation?

A. I presume like enough that it was sometime before, but I couldn't tell as to that.

Q. Before they built, before they began the building there, the new building for the women?

A. I think it was about the time they began to build it.

Q. How did you happen to mention it?

A. I couldn't tell you that.

Q. You made a suggestion that you didn't think it advisable?

A. No, sir; I don't think I did.

- Q. Never suggested that to the commissioners?
- A. No, sir; I never did.
- Q. Did they consult with you as to the advisability of putting up the women's dormitory in close proximity to the men's?
- A. No, sir; I don't think they did.
- Q. Well, how did you happen to discuss the matter?
- A. I couldn't tell you.
- Q. No recollection whatever in regard to it?
- A. Not as to what brought it up, no, sir.
- Q. Well, now, doctor, you gave us a list the last time of some improvements which had been made at Long Island since the Board of Visitors went down there and this investigation began. Have you thought of any additional improvements?
- A. I haven't thought of it since; no, sir.
- Q. Well, there have been some other improvements, haven't there?
- A. If you have got any list I can tell you whether they have been made or not.
- Q. Made some improvements in the graveyard, didn't you?
- A. Oh, yes; yes, sir, we did.
- Q. Well, that you didn't mention the other day?
- A. No, sir; I didn't.
- Q. That was made in pursuance of Mr. Farmer's suggestions in the Board of Visitors' report?
- A. No, sir.
- Q. Was it made after that?
- A. Yes, sir.
- Q. Made after that?
- A. Yes, sir; but his suggestions had nothing to do with it.
- Q. But, as a mere coincidence, you made them after that time?
- A. No, sir; I don't consider it such. We began burying there last June.
- Q. Yes, and between last June and the time the visitors made their report, February 16, you didn't make any improvement. After that you did. Is that the fact?
- A. Up to the time they had made their visit there we hadn't had any special opportunity to make any improvements. If the Lord preserves me to stay down there, you will see more improvements probably in the next year than you have seen the last year; and, relatively speaking, I think we made greater improvements from the time I went there up to the first of January than we have since.
- Q. You did?
- A. I think so, just as many.
- Q. What were the improvements you made between the time you went there and the first of January?
- A. Well, I think that we made a good many improvements in our system of book-keeping.
- Q. In these records, for instance, where you omitted to keep a record of the burials where up to that time they had always been kept, is that what you refer to?
- A. No, sir.
- Q. Keeping this little burial book here, this grocer's book?
- A. That illustrates pretty well, that is what we started with. It was a new thing and we didn't know exactly what we wanted. But we did know one thing we wanted, and that was to be sure that we got the number of the grave, and the name of the person that was in that grave, and from time to time we added to it; and when I considered that I had got as far as I could a perfect system, then I got this book. Simply because the Board of Visitors happened to go down there meanwhile, I don't think it is fair or just to lay it to the fact that they came there. It would have been done even if they had stayed away.

Q. Dr. Cogswell, this change in the trough, the sink where you used to make the puddings that you made, had that anything to do with the Board of Visitors' report?

A. Yes, sir; it did, directly.

Q. That was made in consequence?

A. That was made in consequence of a statement that Mr. Farmer made to the commissioners, and at the same time he said, as I understand it, that he wanted the thing kept quiet, that he didn't want them to say anything about it, and he wasn't going to say anything about it.

Q. (By Ald. LEE.) Who said that?

A. Mr. Farmer, and then he went and put it in his report.

Mr. RILEY. — It was good stuff.

The WITNESS. — Well, up to that time, Mr Riley, it was very good stuff as far as I tasted it. Of course I hadn't been able to judge much around that time, because I wasn't around doing business. But the pudding was first engineered by Mr. McCaffrey, if my memory serves me right.

Q. (By Mr. BRANDEIS.) Well, you don't know anything about it, do you?

A. Oh, yes; he had to come to me first to get the ingredients to build it with.

Ald. LEE. — What do you mean — of the pudding?

Mr. BRANDEIS. — No, of the sink.

The WITNESS. — The pudding, yes.

Q. (By Mr. BRANDEIS.) Well, now, you also since the visitors were down there added on a nursery matron, didn't you?

A. Yes, sir, we did, but the nursery matron was recommended, and the permission to hire her secured from the commissioners some time before the Board of Commissioners made their report, even their first report.

Q. How long before?

A. I think about two or three weeks — two weeks.

Q. After the Board of Visitors went down there, was it?

A. Yes, sir; it was after the Board of Visitors went down there.

Q. When was she hired?

A. She was hired somewhere about the 1st of March. She didn't come there, though, until St. Patrick's day. I remember that.

Q. (By Ald. LEE.) You mean Evacuation day, don't you?

A. Excuse me, I meant Evacuation day.

Q. (By Mr. BRANDEIS.) When did the visitors make their report?

A. The Board of Visitors, if I remember correctly, made their report about the middle or the last of February.

Q. The middle — wasn't it the 16th?

A. The 16th of February, and the matron was hired, as I say, about the first of March and I got permission to hire her about a month before I did.

Q. That is, after the Board of Visitors went down there, but before they made their official report?

A. Yes, sir.

Q. Had they talked to you about a nursery matron?

A. I don't know.

Q. Don't you remember talking with Mrs. Evans about it?

A. If Mrs. Evans says I talked with her about a nursery matron I haven't any doubt but what I did talk to her.

Q. Why did it take you so long, between the first of February and March, to get her down there?

A. Well, if my memory serves me, I was sick in bed for about three or four weeks and it rather incapacitated me.

Q. That was January?

A. I was sick from the 15th of January until about the 1st of March, so that it broke me up on doing business between those days.

Q. Now, doctor, there was some testimony here, some complaint, some early testimony, that there were no window screens in the hospital, patients not having a nurse and not having any window screens and suffering from flies. You have put in some window screens since that time?

A. Yes, sir.

Q. When were they put in?

A. At the beginning of the summer—I began in the middle of winter to have them built.

Q. Who built those?

A. Well, some of them were built by inmates, and some were built by carpenters from Deer Island.

Q. You spoke, doctor, about a long list, about the various lists, requisitions that were made on you. Mrs. Kinney, as head nurse, furnished you a list of things desirable for a hospital, didn't she?

A. Yes, she did.

Q. Where is that list—I requested the counsel to produce the list?

A. I don't think I have it—in fact I know I haven't it, because I divided that list into things I had, things I was going to get, and things that I couldn't get.

Q. How long a list was it—how many items on a list?

A. I couldn't tell you that. It was given in pursuance to my request or my own private use. She had been there then about three months. It was just previous to her departure, and I told her it would be a favor to me, in the light of her experience down there and her previous experience in other places, if she would put down on a piece of paper everything that she could think of that, if we had it or could get it, would be of benefit to the hospital.

Q. Yes; now, it is that paper that I would like. I think counsel will find in my notice a special request to produce the list given by the nurse.

A. Well, it isn't here.

Q. How do you know?

A. Because I didn't bring it.

Q. Haven't you given it to counsel on previous occasions?

Q. No, sir; I haven't.

Mr. BRANDEIS. — Then I request it to be brought.

Mr. REED. — Counsel never heard of a special letter or list of that kind.

Mr. BRANDEIS. — It is included in No. 9, in my letter.

Mr. REED. — It is somewhere and we will find it, but we cannot have the list to-night.

Q. (By Mr. BRANDEIS.) Now, doctor, since you have had this nursery matron how many children are there in the hospital?

A. You will have to be a little more definite than that, I guess.

Q. How many children are there now?

A. Now?

Q. Now.

A. Well, I couldn't tell, because there might a few have come this afternoon.

Q. Well, how many at last accounts?

A. Last accounts, fourteen.

Q. How many last winter, at the time the Board of Visitors went down there.

A. I think when they went down there were somewhere around twenty-one or twenty-two. I know when they came from Rainsford Island in the spring of 1893 there were twenty-five, and they kept dwindling off until the summer of 1893 when we had a very few, I don't think more than six or seven, and this last winter they came up again, and I think we got up to twenty-one or twenty-two. I wouldn't be sure as to that. And then this spring they have been dwindling

down again. At one time I think we got down as low as five. Now this winter they are beginning to come up again, and we have gotten up as high as fourteen or fifteen — perhaps sixteen, I wouldn't say.

Q. Well, at the time the visitors were there and you had some twenty-six or so they were right in saying you didn't have any nursery matron, weren't they?

A. They were; yes, sir.

Q. And afterwards you got one?

A. I did.

Mr. BRANDEIS. — Well, now, Mr. Reed, this is the letter under date of November 22, and this is the item I have referred to: "The lists of articles required for the use of the hospital delivered or addressed to the present superintendent from time to time, by the physicians or nurses at the hospital."

Mr. PROCTOR. — May I look at that just a moment, please?

Mr. REED. — You think that covers the list you want, do you?

Mr. BRANDEIS. — I certainly do.

Mr. PROCTOR. — Well, is there any other list, Brother Brandeis?

Mr. BRANDEIS. — Well, I want them all. This is only one of them that I am now asking for. I asked for all of them.

The WITNESS. — Now, I would like you to be a little explicit in that, because you don't want it where they have called for two bunches of matches and a gallon of kerosene. That isn't what you have reference to, is it?

Mr. PROCTOR. — That is the difficulty with your notice, you see.

Mr. BRANDEIS. — I didn't suppose they had one for two gallons of kerosene.

The WITNESS. — No — one.

Q. (By Mr. BRANDEIS.) How many orders do the nurses and physicians give for the hospital? How frequently do they give orders?

A. Every day.

Q. Every day?

A. Yes, sir.

Q. For supplies, as distinguished from diet orders and the like?

A. Yes, sir.

Q. I want those in which they called for supplies for equipping the hospital.

Ald. LEE. — Well, how far are you going back? Are you going to bring the whole island up here?

Mr. BRANDEIS. — During the administration of the present superintendent.

The hearing was adjourned at 7.30 o'clock P.M. to Thursday, December 6 at 4 o'clock P.M.

FORTY-NINTH HEARING.

THURSDAY, December 6, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALL-STRAM presiding.

Mr. REED. — Mr. Chairman, the second witness whom you have the privilege of putting on when he came in here to-day, and I will put him on the stand now — Dr. Spring, of Fitchburg.

CLARENCE W. SPRING, M.D. — *Sworn.*

Q. (By Mr. REED.) Your full name, please, doctor?

A. Clarence W. Spring.

Q. And you reside in Fitchburg?

A. Yes, sir.

Q. And are in practice there as a physician?

A. Yes, sir.

Q. You are a graduate of the Harvard Medical School, are you not, doctor?

A. I am; yes, sir.

Q. And a graduate of Dartmouth College?

A. I am; yes, sir.

Q. In what class were you graduated from Dartmouth College?

A. '80.

Q. Were you a classmate at Dartmouth of Dr. Cogswell's?

A. I was; yes, sir.

Q. And were you in the Medical School at Harvard at the same time that Dr. Cogswell was?

A. I was, yes sir.

Q. Since your graduation from the Harvard Medical School, have you had any experience in hospital work?

A. Yes, sir; I have.

Q. Will you state what that experience has been?

A. I served a year at the Children's Hospital here in Boston as House Officer.

Q. Are you a member of any of the medical societies?

A. A member of the Massachusetts Medical Society; yes, sir.

A. Have you ever been abroad, doctor, and visited any of the hospitals abroad?

A. I have, yes, sir.

Q. When was that that you were abroad?

A. I was abroad in 1889.

Q. You are at present city physician of the city of Fitchburg, are you not?

A. I am; yes, sir.

Q. How long have you held that position?

A. I have held it nearly two years. The two years will be up in January.

Q. What other official position do you hold?

A. I am chairman of the board of health of the city, and a one of the visiting surgeons at the Burbank Hospital.

Q. You are chairman of the board of health of the city of Fitchburg?

A. Yes, sir.

Q. And visiting physician to the Burbank Hospital — visiting physician or surgeon?

A. I am on the regular staff of physicians and surgeons.

Q. Have you ever visited the hospital on Long Island at the Home for Paupers?

A. Yes, sir; I have.

Q. And the institution also?

A. Yes, sir.

Q. When did you make that visit?

A. I made that visit in May, '93.

Q. A year ago last May?

A. Yes, sir.

Q. What day did you go down there?

A. I went down Saturday.

Q. And what day did you return?

A. I returned Monday.

Q. Then you spent Saturday afternoon and all day Sunday, and left there Monday morning, as I understand you?

A. Yes, sir.

Q. The new hospital was then in operation, was it not?

A. Yes, sir; it was.

Q. Do you have anything to do with the almshouse in Fitchburg?

A. Yes, sir; I have charge of it as physician.

Q. And what was your purpose in visiting Long Island in May, '93?

A. It was partly to spend Sunday at the island with Dr. Cogswell and partly to look over the institution and the hospital with reference to seeing what they had there and the methods of taking charge of such a place.

Q. Well, do you remember about what time of day you arrived there on Saturday?

A. I think it was in the afternoon — the early afternoon. I won't say just when the boat reached there.

Q. You went down on the "Bradlee," I presume?

A. I think I did.

Q. And did you have any opportunity that afternoon of looking about the place?

A. I won't say certain as to the "Bradlee." I don't know but the "Bradlee" was being repaired at that time, but I went down on a boat.

Q. Well, did you have any opportunity to visit the hospital or the institution that afternoon?

A. Yes, sir; I did.

Q. Well, did you visit the hospital?

A. I did.

Q. Did you go into the institution that afternoon?

A. Yes, sir.

Q. The institution building?

A. Yes, sir.

Q. And you say you remained there all the following day, Sunday?

A. Yes, sir.

Q. Now, I would like to ask you if in the hospital you saw any bath-tubs?

A. Yes, sir; I did.

Q. And were those bath-tubs in rooms apart from the hospital wards?

A. As I remember it they were in between. I won't say certain just exactly how they lay, because I haven't thought of it, but as I remember it they were off from the passageway, in between the wards.

Q. Now, you went there, as I understand it, doctor, for the purpose of looking the place over to gain what information you could to aid you in the proper management of an almshouse, and I would like to ask you with what impression as to that institution you came away?

A. Well, now, my impression was that the institution was clean, the hospital building was new, everything looked clean, the rooms were clean, the wards were clean so far as I could judge. The patients in the wards appeared to be well cared for, receiving attention from nurses, and the rooms opening directly out of the wards — the kitchen and the dinning-room attached to the ward — were clean. My general impression was it was a hospital which was well provided for and well being taken care of.

Q. And what impression was left in your mind as to the institution itself?

A. Well, the institution differs so entirely from the one of which I have charge that the impression could hardly be compared with that which I have of other such institutions, but I saw no evidence of dirt or bad smells or poor air, and the beds looked clean and the patients seemed comfortable. The almshouse is divided into two parts, as I understand it — the hospital department and the regular institution — and it was more especially with reference to the hospital that I went there.

Q. Do you know how long the hospital had been in operation at the time you made this visit?

A. I do not; no, sir.

Q. You knew in a general way that it had been started but a short time before you went there?

A. I understood it was new and had not been long in operation.

Q. But you don't recall now anything that impressed you unfavorably in regard to either the hospital or the institution?

A. No, sir; I don't think I could recall anything in particular.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) You are an intimate friend of Dr. Cogswell's?

A. Yes, sir.

Q. Have been for —

A. Since '76, when we entered college together.

Q. Yes, and have you ever been down to Long Island since that day in May, 1893?

A. I have not, sir.

Q. Just before the opening?

A. I have not, sir.

Q. You don't know, then, whether these various abuses that have been testified to here arising through Dr. Cogswell's administration are true or not — I mean as to the condition of the hospital, and how it has been run during this period, up to, say, last May?

A. I simply testified as to my visit in May, 1893.

Q. That is all you know about it?

A. That is all I know about it.

Q. You didn't go over it with a view to criticising or finding fault in any way, but to get suggestions in regard to the new building which had been much talked about and the place generally, I suppose?

A. Yes, sir.

Q. Did you make any particular investigation at that time, or merely get a general impression from the examination?

A. I simply got an — impression general examination of the points which I wished to consider.

Q. In the matter of the institution, did you go into the question of the ventilation there?

A. I didn't discuss the matter of ventilation.

Q. Do you have any distinct recollection as to the men's infirmary and the women's infirmary there?

A. In what regard?

Q. As to the question of air and ventilation?

A. I did not go into that matter. My impression was that which any man would obtain by the sense of smell.

Q. I beg your pardon?

A. My impression was simply that which any man would obtain by the sense of smell. I went into no scientific discussion of what the process was of removing foul air or introducing fresh air.

Q. Well, did you go into it with a view of taking any special note of what the condition was?

A. I didn't; no, sir.

CHARLES H. COGSWELL, M.D. — *Resumed.*

Q. (By Mr. BRANDEIS.) Dr. Cogswell, in your argument on the milk question here you say that you had occasion to examine into this subject of milk five separate times, as I remember it. Is that so?

A. Yes, sir.

Q. What were those five times?

A. The first time was right after I went there, after I had been there a few days.

Q. Yes; that was in March, was it, or in April?

A. It was about the latter part of March, I think.

Q. Well, now, I will just try to locate the times first, and then we will go into them?

A. I said the latter part of March — I don't remember the exact date of any of them, excepting the last time, which was on the twenty-seventh day, twenty-six or twenty-seventh day of December, '93 — those are the first and last times. The three intermediate times I don't remember.

Q. When approximately was the second time?

A. I don't think I could give it with any degree of accuracy, even approximately — not within, perhaps, two months.

Q. Well, putting it within two months where would you place it?

A. I should place it about the — well, it was in the early summer.

Q. June, perhaps?

A. Well, I wouldn't want to say, Mr. Brandeis.

Q. That was the second. When was the third time?

A. I couldn't tell you.

Q. State it approximately.

A. I couldn't do that.

Q. Well, how near was it to the second time?

A. I couldn't tell you that. I think the third and fourth were somewhat near together, but I wouldn't say as to the exact time of either, because I don't remember. Those that I do remember I give you the dates of them — those that I don't I couldn't.

Q. Well, now, what was the occasion of that first investigation?

A. It was due to the fact that we were not having much milk in the hospital. I believe Dr. Dever reported the fact to me that they were short of milk in the hospital.

Q. Well, now, just what did Dr. Dever report at that time?

A. That they needed more milk in the hospital, I think.

Q. Well, were those his words?

A. I couldn't tell you, sir.

Q. How long did he say had that condition existed?

A. I don't know how long he said — I don't remember. I don't know as he mentioned any time, but it couldn't have been very long as far as I was concerned, because I hadn't been there but a few days.

Q. You don't have any recollection, then, as to what he said beyond that they were short of milk in the hospital?

A. No, sir.

Q. Well, who else at that time complained of it besides Dr. Dever?

A. I don't know as anybody else complained to me about it.

Q. Well, didn't anybody else make any remarks to you about it?

A. I know that Mr. McCaffrey and I talked it over, but Mr. McCaffrey I don't think made any complaints to me that the milk was short in the hospital.

Q. Oh, I don't mean that he found fault with you.

A. No. He and I talked the matter over, as I naturally would when I was trying to find out where the trouble was.

Q. Now, you made an investigation then, and what was the result of your investigation?

A. Why, we ordered some milk from the hospital.

Q. What?

A. We ordered the milk from the Commissioners and they sent it over from Deer Island.

Q. Yes; that is, you ordered at that time. You found that it was short?

A. Yes, sir; it was — that they were not getting as much milk as they called for or as they ought to have.

Q. Yes; and you undertook to remedy it by getting some supplies from the city?

A. Yes, sir.

Q. Well, now, when was the next time? What was the occasion of your second investigation? Let me ask first, before we pass to that question, how do you fix that time as being about the middle of March or beginning of April?

A. Because it was just after I got there, and I found that the trouble was that they had been having milk sent, if I remember correctly, there was milk sent from the city to Rainsford Island, and they had been taking off as much milk at Long Island as they found they needed, and at that time the cows, a good many of them, had run dry, and we were not getting enough milk from the barn to supply the demands of the institution and hospital.

Q. That is, you found that they were selling milk over to Rainsford Island?

A. No, sir.

Mr. CURTIS. — He didn't say "selling" — he said "sending."

The WITNESS. — I said sending milk to Rainsford Island from the city, and they were also taking milk from that supply at Long Island. If they sent for fifteen cans to go to Long and Rainsford islands, and they needed four cans at Long Island one day they took four cans, and if they needed three they took three, and if they needed six they took six. Those are merely illustrations.

Q. The trouble was in the division of the milk that came from the city — as to what was kept at Long Island and what went to Rainsford?

A. No, sir.

Q. What was the trouble?

A. Just what I said.

Q. Well, will you say it again? I didn't understand you. The interruptions here disturbed my attention.

A. Until I went there they took milk for Long and Rainsford islands.

Q. From the city?

A. From the city.

Q. Yes.

A. Practically the most of it was for Rainsford Island?

Q. Yes.

A. They had the cows on Long Island, and what the cows failed to supply they took from the Rainsford Island milk as it came from the city.

Q. Yes.

A. And when the two islands were separated and the accounts were separated we didn't have any right to take the milk that went to Rainsford Island or was brought to Rainsford Island.

Q. Yes.

A. So we didn't have that supply to call on, and, as I say, the cows were running dry at that time, and so we filled up on our supply.

Q. Yes; and that is how the trouble arose this first time?

A. Yes, sir.

Q. That was the cause of the trouble as you found it to be about the first of April?

A. That is the way I accounted for the fact that they had run short. Of course, the fact that they had run short was due primarily to the fact that the cows we depended on for our milk ran dry, partially.

Q. And secondarily, because this supply from the city had been cut off?

A. Yes, sir.

Q. Now, that you undertook to remedy by ordering from the city or Deer Island, ordering through the Commissioners, and milk came to you?

A. Yes, sir.

Q. Now, what was the occasion of your second investigation?

A. At noon-time Dr. Dever used to come to me pretty often and say that the milk had given out from the hospital kitchen. Our milk is sent to the hospital kitchen and from there distributed to the different wards.

Q. Yes.

A. And he kept coming to me saying that the cook had sent down word that the milk had run short, and I used to tell him to send over to the milk-room and get some more, and the store-keeper told me that he had sent the amount of milk that was called for each time; so I went to work to see what the trouble was, and I found they were not measuring the milk very accurately in the kitchen; that they were measuring it in, I think, a two or three quart pitcher, measuring it out in that way, and the consequence was that those they measured it out to first would get more than enough, and those that they came to last were falling short.

Q. Well, did anybody else complain besides Dr. Dever at that second period?

A. No, sir.

Q. About the shortage of milk?

A. No, sir; because naturally there wouldn't anybody else know about it except he and the cook, because there was always milk enough. We sent over to the store and got more. We had milk enough on the island, only —

Q. Now, when Dr. Dever complained this second time what did you do to remedy that complaint?

A. I got a big two-quart measure made for the cook and got it made at Deer Island, and I had it made as a dipper for convenience' sake:

Q. Now, how was that to operate — that two-quart dipper? How was that going to relieve the distress in milk?

A. Well, there wasn't any distress in milk. I didn't say there was any distress in milk.

Q. For the patients?

A. Well, the patients got their milk just the same, only some of them got more than they were ordered.

Q. Well, but the others got less?

A. No, they didn't. They got it eventually.

Q. Why did Dr. Dever complain if they got all they wanted?

A. He didn't complain — kept coming to me and saying they were short of milk in the kitchen, not short in the hospital, because it hadn't been given out in the hospital at that time.

Q. Well, how did the quart measure remedy the difficulty?

A. It didn't.

Q. Well, what did you do?

A. We kept on having the trouble, and I thought I would see if there was any trouble with the two-quart measure, and I found it measured nearly a pint over two quarts.

Q. That was the one that was made for you at Deer Island?

A. That was the one that had been made specially for us.

Q. Well, false weights and measures, I suppose, you would expect from criminals.

Mr. PROCTOR. — Well, it was good measure.

Q. (By Mr. BRANDEIS.) That resulted, did it, in the third investigation?

A. That was the result of the third; yes, sir.

Q. Who made the complaint to you that led to this third investigation?

A. It was the same thing. Dr. Dever kept coming to me and saying that the cook said they had run short of milk. We used to send over the morning and noon supply in the morning.

Q. Yes.

A. And we never ran short in the morning, because there was always enough, even if they were getting four or five extra quarts, perhaps, but when it came to the noon supply, why, of course, they were just so much short.

Q. Now, what did you do to remedy this trouble?

A. I ordered a quart.

Q. Ordered a quart made — from Deer Island?

A. No, sir; I don't think this came from Deer Island.

Q. Well, you ordered that quart, and did the complaint cease then?

A. It did for awhile, and then the next complaint came from the wards, that they were not having milk enough. They used to fall short.

Q. Well, now, whom did these complaints come from?

A. This last one, I think, came from Mr. Morphy, if I remember correctly.

Q. Yes; who else?

A. I think — well, I wouldn't want to say.

Q. Had Dr. Dever left the island then?

A. I wouldn't want to say.

Q. Didn't he complain?

A. Dr. Dever?

Q. Yes — the fourth time?

A. No, the fourth time he didn't.

Q. Well, did Dr. Sullivan complain?

A. No, sir.

Q. Did Dr. Parker complain?

A. No, sir.

Q. Well, the only person you remember, then, was Morphy, the nurse, was it?

A. Yes, sir.

Q. That was all, was it?

A. Yes, sir; that is all I remember at that time.

Q. Well, when you investigated what did you do?

A. I got them all some half-pint measures, for all the wards.

Q. Yes.

A. They were measuring them out in pint cups, and I didn't think they were measured very accurately, and I thought the trouble might be in that, so I got them all some half-pint measures, which was the regular ration allowed in the hospital.

Q. Those came from Deer Island?

A. I don't know where those came from.

Q. Well, after you got those half-pint measures did the difficulty cease?

A. The next I heard about any shortage of milk was the day after Christmas, from Dr. Parker, and he told me that the milk had been at that time short to a considerable extent in the male wards and partly in the female wards, but not to such a great extent, for some few days — I don't remember as he gave any number of days at that time. He said the milk had been short some time, and on looking it up I found it had been short for about two weeks.

Q. Well, what records did you keep to show whether the milk was short or whether it was sufficient?

A. The records of the cook.

Q. What were they?

A. She called for so much milk and then put down how much she delivered to the wards.

Q. Was that kept in a book?

A. That was kept on some blue slips of paper. It was not kept in any book. It wasn't to be a matter of permanent record as I understood it when I commenced. I never thought that it was anything that would be kept. I don't think it is kept in any hospital, but there are memoranda to be carried along every day, and it simply shows how much is needed, and then it also tells you whether they have received or distributed what they got.

Q. That is your memoranda, although it wasn't a record book, consisted of daily slips on blue paper?

A. Yes, sir.

Q. Which showed the amount required for each ward each day?

A. Yes, sir.

Q. And the amount that was delivered?

A. Yes, sir.

Q. And those are the slips that you put in evidence last time, are they?

A. Yes, sir.

Q. And when did you begin to keep those slips?

A. May 8, 1893.

Q. How did you happen to do that?

A. Why, I just started the hospital and I wanted to keep track, as far as I could, of what was going on, and I thought that that would be a good way to do it.

Q. And you had had some trouble with the milk before?

Mr. CURTIS. — He didn't say so.

Mr. BRANDEIS. — Said he had trouble with the milk before the first of April, found trouble when he got there.

Mr. CURTIS. — No, no such thing.

(The question was repeated.)

A. Well, the trouble that I had had with the milk didn't have anything to do with my starting these slips.

Q. (By Mr. BRANDEIS.) Didn't?

A. No, sir.

Q. Well, you started these slips in order to keep track?

A. And it is also a requisition for bread as well as milk.

Q. Yes. Well, now, I want to know whether these slips are the only record that was kept, or was there any other record of any kind kept of the amount ordered and the amount delivered each day?

A. The diet orders of the nurse and cook would show the amount that was ordered.

Q. Wouldn't show the amount delivered?

A. No, sir.

Q. But these slips here are the only thing that show the amount delivered?

A. Yes, sir.

Q. And it is these things that you always looked to in order to investigate whether the amount had been delivered when complaints were made in regard to shortage in milk?

A. There is a record of the amount of milk sent from the store to the hospital.

Q. Where is that?

A. That is in the storebook.

Q. Have you got that here?

A. Yes, sir; I think a have.

Q. Will you turn to that book, please? (The witness showed the book to Mr. Brandeis.) Now, doctor, the record to which you refer is in this storebook which I now have in my hand and

which appears -- for identification I will simply refer to it -- with the stamp of F. W. Barry, Beale & Co., on the first page. That is the book to which you refer -- that is the storebook to which you refer?

A. Yes, sir.

Q. And that is the only other record you have which relates to milk during this period of 1893?

A. That is the only one I have been able to find.

Q. Well, you mean by that the only one you have ever known anything about?

A. Well, my impression is that there was another book that was a milk record, a milk record pure and simple, that I had sometime ago, and we have carted these books around so much, back and forth, that I can't find it.

Q. When did you have that?

A. Well, I remember to have seen it several times last year and sometime last winter.

Q. You mean several times during the year '93?

A. Yes, sir; quite a number of times.

Q. Have you seen it since this investigation began?

A. I think the last time that I saw it was at the time that you called for the books and pamphlets. That was after this investigation began. You called for a lot of records and things and I had all these things put away, and I haven't been able to find that book. There is another book that I can't find, either.

Q. Well, you never produced it here, did you?

A. Never produced it here because we weren't asked for it.

Q. Well, then, you think there is some record book that you haven't got here?

A. I think there is a regular milk book.

Q. Well, by whom was that kept?

A. That was kept by Mr. Smith.

Q. In what capacity did he keep that book?

A. As storekeeper.

Q. When did he begin to keep it?

A. I think he was keeping it when I was there.

Q. Yes; and how long a time did that book cover?

A. That book covered a time up to a time, -- some time about the first of January.

Q. Of which year?

A. '94.

Q. Up to the first of January, '94?

A. Yes, sir; or the first of February, '94 -- sometime along the first of the year.

Q. Well, did you ever use that book, that milk book, you speak of?

A. Have I ever used it?

Q. Yes, in any way?

A. I don't understand exactly what you mean.

Q. Well, did you ever use it for any purposes, or how often have you seen that book?

A. Well, I couldn't tell how often I had seen it, I am sure.

Q. When did you first see it?

A. I think I saw it pretty soon after I went there, when I was looking up the books.

Q. Pretty soon after you went there?

A. Yes, sir; very soon after I went there. As soon as I could I looked up all the books that they kept in the institution.

Q. Yes; and when did you see it next?

A. I don't remember, sir.

Q. On what occasions did you examine that book?

A. No special occasions.

Q. Have you used it in making up your argument here?

A. No, sir, I haven't.

Q. Did you use it in making up your answer to the visitors?

A. No, sir; I didn't.

Q. Well, have you ever used it?

A. No, sir; I don't think I have.

Q. Have you ever undertaken to foot up the figures in it, add up the columns?

A. I have in one book, but not this one. I don't think I ever footed up this one.

Q. This last milk book?

A. No, sir.

Q. You never have. Well, now —

MR. CURTIS. — You haven't that by mistake in your papers, have you, Mr. Brandeis?

MR. BRANDEIS. — I have not been allowed to see any of the books or papers here up to this moment.

MR. CURTIS. — We have dragged them here at every hearing.

MR. BRANDEIS. — Never offered them to me.

MR. CURTIS. — You have never asked for them. They have been here all the time.

Q. (By MR. BRANDEIS.) Well, this book; did anybody else write in that book except Smith?

A. I don't think that they did.

Q. Now, what kind of a looking book was this; describe the book?

A. One of these what you call grocer's pass books, only it was reddish in color instead of black.

Q. Well, now, did that book show what milk went to the institution, what went to the officers' house, what went to your house, and what went to the hospital?

A. No, sir; I don't think it did.

Q. What did it show?

A. It showed the amount of milk that was received from the barn and it showed the amount of milk that was sent away from the island and the amount of milk that we had on hand, if I remember correctly.

Q. That is, the balance?

A. Yes, sir.

Q. What do you mean by "had on hand"?

A. Well, how much we had.

Q. That was a matter of subtraction of what you received and what you sent away?

A. Yes, sir.

Q. The balance must be there?

A. Yes, sir.

Q. That is all you mean?

A. Yes, sir.

Q. But it doesn't show the disposition of that balance?

A. I don't think it did; no, sir.

Q. And that book has disappeared?

A. Yes, sir.

Q. Well, now, you were going to tell me about another book. Just tell me about that before we get on to anything else.

A. That is just a book showing the amount of milk that we received from the barn morning and afternoon.

Q. In addition to the one that Smith kept?

A. Smith kept this.

Q. Well, Smith kept the one that you described at length and which you say is lost. Now you say there is still another book in which some milk record was kept. I want to know what that other book was to which you refer?

A. It was just simply the record of milk from the barn night and morning and the number of cows.

Q. Yes.

A. It was kept to see, I suppose, how the cows were getting along, as to how much milk we got from the same number of cows.

Q. How long a period of time did that book cover?

A. I couldn't tell you, sir; a long time before I went there.

Q. When did it end?

A. That ended when we began this book here.

Q. That ended when you began this book here in February?

A. Yes, sir.

Q. '94. Well, what has become of that book?

A. I don't know. I think it was down at the island somewhere.

Q. Sure you haven't brought it up here?

A. I wouldn't say that I have.

Q. Well, I wish you would look and see.

A. These books have been battered around so much that I can't exactly tell what I have got and what I haven't now (examining books).

Q. Then, Dr. Cogswell, you don't find that second book, either?

A. No, sir.

Q. Is that lost, too?

A. I don't know whether it is or not. I presume like enough not.

Q. But that book doesn't show any disposition either, of milk?

A. No, sir.

Q. Doesn't show what milk went to the hospital?

A. No, sir.

Q. Neither of the books would show that?

A. No, sir.

Q. Now, the only book, then, which would show the amount of milk that went to the hospital was the book which you have already introduced into evidence here. Isn't that the fact?

A. It is that book there, yes, sir.

Q. Yes, which the Alderman has now. Well, now, how long a time does that book cover?

A. I think that book covers up to the middle of June. I haven't looked.

Q. Middle of June, '93?

A. Yes, sir; I haven't looked to see.

Q. And between June, 1893, and February, 1894, you have no book at all which bears upon this question?

A. I don't think that I have. I may, but I am not sure. I didn't look up with that in view. I have got some books down there that I haven't got here.

Q. You have got some books?

A. Why, certainly.

Q. Are there any other books that contain records of the milk that went to the hospital besides that book here and these blue requisitions, papers, which we have?

A. I don't think that there are.

Q. Are you sure that you didn't use any other books in making up your argument which you presented here the other day and your answer to the visitors' report which you made up to the 1st of March?

A. No, sir; I think I took it entirely from those blue slips.

Q. Made up your answer entirely from the blue slips?

A. Yes, sir.

Q. That covers the whole period?

A. Yes, sir.

Q. That you testify to?

A. Those blue slips cover the entire period from May 8, '93, to date.

Q. And that is the only record on which you have based anything, is it?

A. It is the only record on which I based the amount of milk that was received in the hospital.

Q. And the amount delivered?

A. And the amount delivered, yes, sir.

Q. The amount ordered?

A. The amount ordered.

Q. Now, you stated in your argument that the only considerable shortage of milk was in May and October?

A. Yes, sir.

Q. Now, what was the shortage in May and what was the shortage in October?

A. The shortage in May, I think, averaged anywhere from four to eight quarts a day out of some eighty or ninety quarts.

Q. Yes.

A. And in October two days we fell about twenty quarts short because a man in wheeling the milk carryall from the barn to the institution tipped it over and we lost about 100 quarts of milk, and we were a little short for two days while making it up.

Q. Those are the two days in October?

A. Those are the two days in October when we had the greatest shortage that occurred at any one time.

Q. And the other time was in May?

A. Was in May, the other time was, if I remember correctly. I didn't say that the continued shortage was in October — I said December.

Q. Did you?

A. Yes, sir.

Q. Well, then, in October there wasn't any continued shortage?

A. No, sir; it was only for two days.

Q. It was only in May and December?

A. May and December that there was any continued shortage.

Q. Now, what was the continued shortage in December?

A. It was probably the 8th, the 6th, or somewhere about the 6th of November to the 26th, if I remember correctly.

Q. How much was the shortage then?

A. I think it was anywhere from five to twelve quarts.

Q. Out of how many?

A. I think out of about eighty.

Q. Out of eighty ordered?

A. Yes, sir.

Q. Five to twelve out of eighty ordered — that was in December?

A. Yes, sir.

Q. In December, five to twelve out of eighty ordered, and in May, you say, it was eight out of eighty, was it?

A. I say from four to eight. That is my remembrance of it. I shouldn't want to testify exactly. I only took it from the tickets?

Q. Yes. Where did you get these figures four to eight and five to twelve?

A. Why, I got them by subtracting the amount delivered from the amount ordered, which would give me the shortage.

Q. Well, how many days in May did that shortage continue?

A. I think about six.

Q. What time in May?

A. The early part of May.

Q. Yes — soon after you began.

Mr. CURTIS. — The testimony is that he began the 20th of March.

Mr. BRANDEIS. — No, began these requisitions, I mean.

Q. Soon after you began these blue slips?

A. Yes, sir. Then this shortage of milk didn't necessarily come out of the milk that was ordered for the patients as a diet, because the order in the hospital is anywhere from three to fifteen quarts extra for tea and coffee, and if we are short of milk it should have been taken out of that that went into the tea and coffee, not from the milk that was given to patients as diet. That is why I say that no patient ever needed to suffer from the lack of milk.

Q. Yes, but the requisition for the hospital would cover the whole thing — I mean this blue slip would show the whole requisition that was made in the hospital for all purposes, wouldn't it?

A. Yes, sir.

Q. Whether for diet or tea and coffee?

A. Yes, sir. It isn't distinguished there whether it is —

Q. For diet or for tea or coffee. Well, now, doctor, you made an examination of this book and compared this book with the blue slips to see whether the amounts tallied in the two?

A. No, sir, I have not.

Q. Well, suppose you do that. You take the book. What was the amount delivered on —

Mr. REED. — What is the book he has, Mr. Brandeis?

Mr. BRANDEIS. — He has one called, I think, the "store book."

Q. What is the amount delivered on May 8?

A. Eighty-six quarts.

Q. Eighty-six quarters, May 8?

A. Yes, sir.

Q. Well, this blue slip which I have here dated May 8, which certifies that the whole amount is delivered, gives the order as eighty-eight quarts?

A. Well, there might have been a mistake in the measuring out of eighty-six and eighty-eight quarts.

Q. Yes, but your cook reports that the whole amount of eighty-eight quarts was delivered and received, and only eighty-six was delivered according to your store book?

A. Well, I can conceive how that might have occurred very easily. She might have measured eighty-eight quarts. They might have sent over nearer ninety quarts. The milk is measured out in the storeroom into seven and a half and eight quart cans.

Q. Well, this certifies that she has received only eighty-three?

A. Well, just the same way — she might have measured in the measure that she had. I say it wasn't accurate, and she called it eighty-three quarts and the storekeeper called it eighty-six.

Q. Well, now, on May 10 what is the figure?

A. May 10, eighty-three quarts.

Q. Delivered?

A. Yes, sir.

Q. Well, your storekeeper, your cook, Miss Campbell — she was the cook, wasn't she?

A. Yes, sir.

Q. She certifies to having received only seventy-two. That seems to be a difference of eleven quarts?

A. Yes, sir.

Q. How do you account for that?

A. As I have said, they measured out in this measure that they thought measured two quarts and which measured nearer two and one-half quarts, and she probably thought that she hadn't got but the number of quarts that she certifies to. The storekeeper, according to the way he measured it, sent over eighty-three quarts.

Q. Now, can you account for the fact that two days before, when they had presumably the same measure, there was a difference of only three quarts in eighty-six, and this time there was a difference of eleven quarts, from using that measure, in eighty-three?

A. I don't account for it wholly by the measure. The man might have sent over eighty-three quarts of milk from the store and it wouldn't be astonishing that eight or ten quarts of it evaporated before it got over to the hospital through the carriers we have down there. It doesn't necessarily follow —

Q. Who are those carriers?

A. Innates.

Q. That is the source to which you attribute the loss of eleven quarts of milk on the route; you attribute that to your carriers?

A. No, sir, I do not.

The stenographer repeated the following:

Q. Now, can you account for the fact that two days before, when they had presumably the same measure, there was a difference of only three quarts in eighty-six, and this time there was a difference of eleven quarts, from using that measure, in eighty-three?

A. I don't account for it wholly by the measure. The man might have sent over eighty-three quarts of milk from the store, and it wouldn't be astonishing that eight or ten quarts of it evaporated before it got over to the hospital through the carriers we have down there.

Q. That is the way you account for it?

A. No, sir, I do not.

Q. How do you account for it?

A. Because I don't know anything about the facts of the case at the time.

Mr. REED. — Why not let him answer the question?

Mr. BRANDEIS. — Let him answer anything you wish.

Mr. REED. — You interrupted him in his answer, and you interrupted the stenographer before he got through reading. If you don't want to have this done fairly, all right.

Mr. BRANDEIS. — Doctor, will you go on if you have anything more to say?

Mr. REED. — He said, "It doesn't necessarily follow," and you interrupted him. If you will not let the stenographer read the question and answer, I shall state it as near as I can remember it.

The WITNESS. — I think I shall have to ask the stenographer myself to read the question.

(The stenographer again repeated the question and answer referred to.)

A. What I mean to say is this: I don't know the facts of the case at that time. We don't know that she did use the same measure. It may happen that one ward would call for sixteen quarts of milk and it would come over in two eight-quart cans, and those two cans would be delivered to the wards.

Q. You mean it wouldn't go at all into the hospital kitchen?

A. Oh, yes, would go into the hospital kitchen, but would be delivered without any further measurements.

Q. Well, wouldn't it be inserted in the receipt which your cook gives you?

A. Inserted in what way?

Q. Well, I mean it would be included in what she receipts for, wouldn't it?

A. Why, certainly.

Q. Yes, and when she gives a receipt that she has received only seventy-two out of eighty-three quarts that would be true, wouldn't it?

A. It would be true according to her measurement; yes.

Q. Yes. Well, now, let us take May 12. What do you find on that?

A. Eighty-three quarts of milk.

Q. Eighty-three delivered?

A. Yes, sir.

Q. This requisition gives the amount delivered as sixty-seven — I mean your cook receipts for only sixty-seven. How do you account for that.

A. I don't account for it.

Q. And she gives the amount ordered as eighty-seven and one-half and the amount receipted for sixty-seven?

A. I don't account for it in any way at all.

Q. Well, take May 14?

A. Eighty-nine quarts of milk.

Q. Yes, and your cook gives the amount ordered as ninety quarts, and the amount delivered as seventy-nine and one-half?

A. Well, the storekeeper says that he sent over eighty-nine quarts.

Q. Who was that storekeeper?

A. Mr. Smith.

Q. He was the one who was afterwards dismissed by the Commissioners, was he?

A. Yes, sir.

Q. For drunkenness?

A. No, sir.

Q. What for?

A. He wasn't convicted of drunkenness. In fact, I heard most of the testimony and there wasn't anybody that I heard said they ever saw him drunk.

Q. Well, why was he dismissed?

A. Because he took three drinks on the island with three different people at periods varying from three to six months apart.

Q. Well, that wouldn't be ground for dismissing a man, would it, with the Commissioners? You did that, didn't you?

A. No, sir; I didn't.

Q. It would be surprising —

Mr. CURTIS. — I don't think he was dismissed. There is no evidence of it.

Mr. BRANDEIS. — I am not asking about his dismissal — I am asking about the charge. It seems to be wholly inadequate reason for dismissing a man.

Q. What was the reason, Dr. Cogswell, that Smith was dismissed?

Mr. REED. — He didn't say he was dismissed. I think you used the term.

The stenographer repeated:

“Q. He was the one who was afterwards dismissed by the Commissioners, was he?

"A. Yes, sir."

MR. BRANDEIS. — I think if you will let the witness testify we will get along faster and get nearer the truth.

THE WITNESS. — Not a bit.

THE CHAIRMAN. — The witness has a right to say whether he understands Mr. Brandeis or not or whether he hears him.

MR. REED. — That is very true, but Brother Brandeis undertakes to mislead everybody, and I do not propose to submit to it. That is the fact — he makes misleading statements.

MR. LINCOLN. — I ask that that be passed upon by the Chair.

MR. REED. — If you want to talk, speak up, Mr. Lincoln. You needn't be afraid.

MR. LINCOLN. — I am not afraid of anything you may say, Mr. Reed.

THE CHAIRMAN. — Go on, Mr. Brandeis.

MR. BRANDEIS. — Have I the assurance that Mr. Reed will not interrupt me?

MR. PROCTOR. — You have a good deal of assurance, but you never will get that.

The stenographer repeated:

"Q. He was the one who was afterwards dismissed by the Commissioners, was he?"

"A. Yes, sir."

Q. (By MR. BRANDEIS.) You say that Smith was not dismissed, do you? Why don't you answer, Dr. Cogswell? It is a matter that seems to be very clear. Mr. Reed could answer it at once.

MR. REED. — The only thing I said, Mr. Brandeis, was that you used the word, "dismissed."

MR. BRANDEIS. — Well, I have a right to use that word or any other, I suppose.

MR. REED. — I do not question your right at all.

MR. BRANDEIS. — Now, will you agree not to interrupt me while I am questioning the witness?

MR. REED. — I shall not agree not to interrupt anybody.

ALD. LEE. — The doctor assented to it in his answer, didn't he? (The stenographer again repeated the question.)

Q. (By ALD. LEE.) How was that, Dr. Cogswell? What is the answer to that? Does that answer stand?

A. I received a letter from the Commissioners saying that it had been found on investigation that he had taken a drink or drinks with certain parties on the island, and that — I don't remember the exact phraseology, but the idea was to let him go.

Q. Well, he was dismissed, discharged, let go?

A. Yes, sir; he was, according to the way I look at it, but he resigned, though, before I got the communication. So there you are.

Q. (By MR. BRANDEIS.) You didn't accept his resignation, did you?

A. We accepted his resignation; yes.

Q. What?

A. Yes, sir; we accepted his resignation.

Q. How long had he been under investigation for drinking previous to this time?

A. What time?

Q. The time the Commissioners wrote to you to let him go, discharge him, dismiss him — whatever phraseology they used?

A. I couldn't say.

Q. What was the date of that letter from the Commissioners?

Mr. PROCTOR. — The letter is the best evidence of that.

The WITNESS. — I couldn't say. It was between January 12 and January 16 sometime.

Q. Yes, and when were the first charges of Smith's drunkenness made to the Commissioners?

A. I don't know, sir.

Q. Well, you know they were made as early as December 23, because you testify yourself that Parker had made them on that day?

A. That is the earliest I know anything about it.

Q. He had been under investigation, then, by the Commission for drunkenness?

A. He had been under investigation?

Q. Yes?

A. Why, certainly — I said he had been investigated by the Commissioners.

Q. And this was the result of the investigation — this letter that was sent you?

A. Yes, sir; if I remember I stated that sometime ago.

Q. Well, I thought you did. I thought you assented fully to my question when Mr. Reed seemed to have a different view of the facts.

Mr. REED. — Well, I have now. I know what the record is.

Q. (By Mr. BRANDEIS.) Now, Dr. Cogswell, will you turn to May 15 and see how that day runs?

A. Eighty-one quarts of milk.

Q. Eighty-one delivered?

A. Yes, sir.

Q. Well, now, this record shows eighty-nine ordered and eighty-two delivered?

A. Well, one quart — I could easily conceive how that might happen.

Q. Well, now, are these figures here, of the cook's, the ones you testified to?

A. I took her figures from the figures that were delivered to the patients in the hospital.

Q. And when you said the figures were from four to eight out of the way you relied on those figures, did you?

A. On the amount that she called for. I took her figures and the amount she delivered. I took her figures.

Q. The figures I read to you rather exceed your recollection in that matter, don't they?

A. It wouldn't be astonishing, inasmuch as I don't think I have looked at them for eight or nine months.

Q. That is, you testified that they were less than the figures show that they are?

A. No, sir, I didn't.

Q. Didn't you?

A. No, sir, I did not.

Q. What did you testify?

A. You asked me to give what I thought, and I said that as far as I remembered those were the figures. I didn't testify that they were the figures, because I wouldn't do anything of the kind. I didn't know.

Q. Well, now, you said you used to sell milk on the island. You have got a record of the sales of the milk on the island, haven't you? Now, let us turn to the sales and see what the sales of milk were in May.

A. Excuse me, Mr. Brandeis, but we were not selling milk in May.

Q. How do you know you were not?

A. Because I know we were not.

Q. Well, where are the books which show the sales of milk?

A. I don't think I have got them here.

Q. Well, weren't you requested to bring those books?

A. No, sir, I was not.

Q. Let us see the letter. The first thing that is asked for is "books showing expenditures and receipts for 1893 and 1894." Receipts for milk are a part of the receipts, aren't they?

Mr. CURTIS. — That is a pretty good construction.

Mr. BRANDEIS. — Well, what are the receipts?

Mr. CURTIS. — Well, I should think expenditures and receipts any intelligent man would know about without asking me. If you don't know it would be useless for me to undertake to tell you.

Mr. BRANDEIS. — Well, I should think that you as mayor might instruct people quite as unintelligent as I am.

Mr. CURTIS. — Well, when I do I will open a kindergarten school and instruct you.

Mr. BRANDEIS. — Now, Mr. Mayor, won't you give us some construction as to the books you have here?

Mr. CURTIS. — When I have time. This is a busy week.

Mr. BRANDEIS. — I guess it is the last busy week you will have. I would like to have the books which show the sales of milk and receipts for milk, during the year 1893-94.

Q. Do you keep any book of that milk that you sold?

A. Yes, sir.

Q. Where is the book?

A. Down at the island.

Q. What is the nature of the book?

A. It is on the wharf book.

Q. That is, the wharf book where they keep the record of the corpses sent to the city, is it — the same book?

A. Yes, sir; the same book.

Q. Well, do they keep the record of the charges to the different islands and to the boarding-house keeper in that?

A. Oh, we have got that record in another book.

Q. What book?

A. What is called the farm book.

Q. That is in the farm book?

A. What we call the farm book. It contains the sales of the products of the farm.

Q. Yes, and does that contain also the sales to Rainsford Island?

A. Yes, sir.

Q. All of that appears, then, in the farm book?

A. It contains the sales of everything out of the institution.

Q. Does?

A. Yes, sir.

Q. Well, I would like to have the farm book, then, at the next meeting.

MR. CURTIS. — Now, if he will give us an intelligent request for what he wants he will try to accommodate him.

MR. BRANDEIS. — No human being would know in regard to the books you keep at the island when you keep a burial book in a grocer's pass book.

MR. CURTIS. — I wanted to find out about the sales of milk and went down to the Collector's office and found out what I wanted in five minutes.

MR. BRANDEIS. — You have the inside track.

MR. CURTIS. — You can go to the Auditor's office or the Collector's office as well as I. I did it when you were putting Mrs. Lincoln on the stand — and you can also find out about these things at the Commissioners' office.

Q. (By Mr. BRANDEIS.) Do you say that their records show the same thing?

A. They have a transcript of it — the same.

Q. Of the sales?

A. Yes.

MR. CURTIS. — Of course; everything that is sold from every institution.

MR. BRANDEIS. — Well, the aggregate sales or the itemized sales?

MR. CURTIS. — Yes.

MR. REED. — The original bills are down in the Auditor's office, Mr. Brandeis, and the transcripts of those books are at the office on Beacon street.

ALD. LEE. — Showing the milk that was sold?

MR. REED. — Yes, sir. If milk was sold the bills of the milk sold are in the Collector's office. It is his business to collect the bills.

MR. BRANDEIS. — Are they collected from one institution to the other, Long Island to Rainsford?

MR. REED. — The City Collector collects from one to the other.

MR. CURTIS. — I say now to you, that if you had asked privately for anything of that kind I would have been willing to tell you. I supposed you had made a study of your side of the case as I have of mine. I found this information.

MR. BRANDEIS. — I have made a study of it, but this is your side of the case, and we haven't the means of obtaining information.

MR. CURTIS. — I went down to the Collector's office and got it while you had Mrs. Lincoln on the stand.

Q. (By Mr. BRANDEIS.) Well, doctor, perhaps if Mr. Curtis has the information you can give us the time when you sold this milk at the island.

Mr. REED. — He doesn't say he sold it. I think Mr. Galvin sold it. The bills will show.

Mr. BRANDEIS. — Let us see, did you sell any milk from the island. In his argument he says he did.

The WITNESS. — I certainly did.

Q. (By Mr. BRANDEIS.) And you stick to it?

A. I certainly shall.

Q. When did you sell it?

A. We began somewhere about the 1st of June, I think it was.

Q. And how long does it continue?

A. I think we sold up to November.

Q. And how much did you sell?

A. But mind you, Mr. Brandeis, I am not testifying that these are the absolute figures, I because I don't remember

Q. Yes.

A. But that is my impression, that it covered a period from the 4th of June to the — I wouldn't say whether it was the first of November or the first of December.

Q. Well, during this time, then, when these complaints were being made about milk, you were selling milk off the island, weren't you?

A. Certainly. We had plenty on the island, too.

Q. Then these patients complaining about milk might have had it?

A. The patients didn't complain about milk.

Q. Then you think all the testimony that has been given about patients complaining is untrue?

A. I haven't heard a great deal of testimony about patients complaining about milk from anybody who knew anything about it excepting Morphy, and he testified that the shortage was in December.

Q. Did he?

A. Yes, sir.

Q. Sure?

A. Yes, sir.

Q. The only shortage?

A. The only continued shortage; yes, sir.

Q. What did Dr. Parker testify?

A. Well, I don't pretend to follow Dr. Parker's testimony in its entity.

Q. You don't?

A. No, sir, I don't.

Q. That you do not believe in?

A. No, sir, I do not.

Q. What do you say about Dr. Dever's statement?

A. I don't know anything about his statement, I never heard it.

Q. And the statements of Dr. Dever and Dr. Sullivan, referred to here?

A. Oh, no.

Q. Oh, yes; the visitors have testified to that.

A. I should like to see it before I take that for granted.

Q. Now, you were the first man who ever undertook to sell milk on the island, weren't you?

A. No, sir, I was not.

Q. When was it sold before?

A. The previous summer by Mr. Galvin — excepting at that time, of course, it wasn't sold, because the two islands were financially run the same. The milk was sent to Rainsford Island just the same.

Q. Didn't sell any to boarding-house keepers on the island, did they?

A. Yes, sir; they did — the same man that I sold it to.

Q. Now, we will see whether that is true. Which year is that — the year ending when? The year ending 1892?

A. Yes, sir.

Q. Now, there is a report which shows all the receipts and expenditures. There is the report. Now, I wish you would show us the items?

A. I don't pretend to show you in this. I don't know as I can, because, as I said before, when the milk was sent to Rainsford Island it wasn't paid for.

Q. I am not talking about Rainsford. You said it had been sold to the boarding-house keeper?

A. It wouldn't appear in here anywhere. It is was sold to Mr. Richenbacher.

Q. Why not?

A. Because it would not be itemized that way.

Q. How do you know it isn't?

A. I know it isn't. It is all lumped.

Q. Will you compare the report in your year and Mr. Galvin's year?

A. I will. I haven't up to the present time, but I will be very much pleased to do it now.

Q. If you cannot find it, doctor, I may be able to assist you.

Ald. LEE. — It comes in the first part, under "Estimated Income."

The WITNESS. — I should be very much pleased to receive a little assistance from you here, Mr. Brandeis.

Q. (By Mr. BRANDEIS.) Delighted to help you in any way. Look in this report — that is the report in your year, 1893-94, and you will find on page 7 the item, under "Income," of \$522.64, which you received or which was received through your good offices for milk. Do you find that?

A. Page 7?

Q. Yes.

A. Yes, sir, I do.

Q. That item is there, isn't it?

A. Yes, sir.

Q. Now, look at the year preceding?

A. Yes, sir; that is just exactly as I stated.

Q. Yes — the year preceding you don't find any such item, do you?

A. No, of course not, just as I told you.

Q. Talking about the sales to the boarding-house.

A. Just exactly as I stated.

Q. There is no such thing there, is there?

A. When Mr. Galvin sent milk from Long to Rainford Island, Long and Rainsford islands were under the same financial management — that is, their finances.

Q. We know about that. We are not talking about that.

A. Well, I am.

Mr. PROCTOR. — Let him answer.

The WITNESS. — Therefore he wouldn't sell anything to himself.

Q. (By Mr. BRANDEIS.) Of course not.

A. Therefore, the item for milk does not appear.

Q. Well, that we knew, because you had answered that before. But you said he had sold to these boarding-house people?

A. And I do say so, as I said before, but it appears lumped as farm produce.

Q. How do you know it does?

A. Well, I know he sold it, because I have the bills down there to show and the receipts. Not the receipts. You will find the account of it downstairs, I think, if you want to go down to the Collector's office. I can show you on our books down there where it was delivered to Mr. Richenbacher.

Q. Where is it lumped in? Is it itemized in the account?

A. No, sir — \$293.30 for farm products, and there is not a cent else appears as having anything else to do with the farm. As I say, an item for \$522.64 would be enough to show.

Q. Yes.

A. As a separate item, but they wouldn't put an item for milk, four or five dollars, in, when they had \$293. They lumped it all together.

Q. That is your explanation, is it?

A. That is my statement of facts.

Q. Well, I will read you some of the items here on page 7 of the report of that year. Oil —

Mr. CURTIS. — I will ask if you are reading Mr. John Galvin's report?

Mr. BRANDEIS. — The Commissioners' report, page 7.

Mr. CURTIS. — What year?

Mr. BRANDEIS. — February 1, 1893 — 1892-93.

Q. This is the income for the Home for Paupers, Long and Rainsford Islands. Oil, fifteen cents. This is what has been sold — oil, fifteen cents?

A. Yes.

Q. Flour, \$1.35; ice, 6.87; candles, 14.40.

Mr. CURTIS. — Those are not farm products.

The WITNESS. — Will you be kind enough to inform me which one of those you would class as a product of the farm down there at Long Island?

Q. (By Mr. BRANDEIS.) I don't suppose your farm produces any of those, but I say this, that your answer shows that your statement that they wouldn't put down small items is not a correct

statement, and that you are imagining now, drawing on your imagination, to explain the fact that you were the first who undertook to sell milk when the patients were clamoring for it and the doctors were complaining that they hadn't enough?

A. Now, Mr. Brandeis, I didn't say anything of the kind.

(By request of Mr. Brandeis the stenographer repeated the following:)

Q. Then you think all the testimony that has been given about patients complaining is untrue?

A. I haven't heard a great deal of testimony about patients complaining about milk from anybody who knew anything about it, except Morphy, and he testified that the shortage was in December.

Q. Did he?

A. Yes, sir.

Q. Sure?

A. Yes, sir.

Q. The only shortage?

A. The only continued shortage; yes, sir.

Q. (By BRANDEIS.) Now, I will ask you, doctor, to listen to this testimony of Mr. Morphy and tell me whether or not Morphy testified true. This is on page 574 of the records;

Q. Well, now, have you had any difficulty in getting the food that was actually ordered for the hospital?

A. Oh, yes.

Q. You did? Well, what did you have particular difficulty in getting?

A. Well, milk was the principal thing. We never seemed to get enough of that.

Q. You never got enough of that? Has there been any change in that respect?

A. Yes.

Q. When did that change come?

A. About three months ago. Probably sometime in December, I think — I would not be sure.

Q. Well, how is it now? How has it been since that time?

A. All right.

Q. It has been all right?

A. Yes, sir.

Q. Well, now, will you give the committee some idea as to how much difficulty you had with the milk before that time?

A. Well, the main difficulty was that sometimes I didn't get more than one-third or probably one-fourth of what I had ordered — what the doctors had ordered, and what I had ordered in my requisition.

Q. Not a third or fourth of what was ordered by the physician?

A. That didn't continue very long, but I know it did for two or three weeks, and I think it was in November.

Q. Well, was there any long period of time prior to January, prior to three months ago, when you did get all the milk that you wanted?

A. Well, all along last summer I had always a difficulty about milk.

Q. You always had difficulty about the milk?

A. Yes, sir.

Q. And this goes on asking about the pint. Now, what do you say about that, doctor?

A. That is just what I said.

Q. You agree with him, then, that there was always difficulty throughout the summer?

A. As I said, the women were served with milk first.

Q. Yes.

A. They would serve them when they began to serve and the men's ward — if they ever came short it would be the men's ward.

Q. Yes.

A. Then they would have to wait until they sent over to the milk-room to get some more milk, and sometimes they had to wait until the milk came from the barn. But I say this, that eventually they got in nearly every case all the milk that they called for excepting in December there.

Q. He says in November.

A. And part in May.

Q. He says that all along last summer he had the difficulty?

A. That is what I say.

Q. That is the time you were selling the milk?

A. Yes, sir.

Q. Then you were selling the milk at the time Morphy testified that they were having difficulty all along in getting milk?

A. I also testified that at that time there was plenty of milk on the island and they got it in the hospital. I think I explained to you how it was they had the difficulty with the milk.

Q. What does this mean: "I didn't get more than one-third or probably one-fourth of what I had ordered — what the doctors had ordered and what I had ordered in my requisition"?

A. I think you will find that either in the cross-examination or the direct he testified that that was in November or December, and it was in December, and I admitted that we were short of milk then, but I don't think it was to that extent.

Q. There wasn't any shortage in November, though?

A. I don't think there was any great continued shortage — might have been one or two days a little short.

Q. What do you mean by "a little short"?

A. A quart or so, a quart or two quarts — no more than that.

Q. Here is November 27 — the amount of milk ordered on your requisition if one hundred, the amount of milk delivered is eighty?

A. What date is that?

Q. That is the 27th of November?

A. Yes, sir; that is just what I explained to you, that at that time during the summer we had —

Q. You haven't explained?

A. Excuse me — they were ordering anywhere from five to ten or fifteen quarts extra for the tea and coffee, and about that time, if you will notice, I think you will find that they are cut down, and I stopped them from ordering so much milk for the tea and coffee and made it less.

Q. How much extra did they order?

A. I couldn't tell you the exact amount.

Q. That is how you explain that discrepancy? You think that is what Morphy was referring to when he spoke of that Long shortage in November when he didn't get more than a third or fourth of what was ordered?

A. I think it was in December, and not November.

Q. Did he in December get only a third or fourth of what was ordered?

A. I don't believe he was quite so low as that even then. All that I know, Mr. Brandeis, about this, is the complaints that came to me and what the cook represents that she received and delivered.

Q. You have no personal knowledge of it at all?

A. I have the personal knowledge that I obtained at different times from time to time, perhaps three or four times a week that I would be in the dining-room at the time that they are delivering the milk. Outside of that I have no personal knowledge, because I was not present in each ward at each meal.

Q. And therefore you do not propose to deny the statements which Morphy made?

A. Excepting as I say, when he says that it was November or December, I think it was in December.

Q. What do you say when he says they were always having difficulty?

A. Just as I say—that they had to wait for their milk. I don't think that they ever had to wait for their milk in the morning.

Q. Well, he says that they never seemed to get enough. That doesn't seem to show that they were delayed in getting it, but that they never seemed to get enough. Do you deny that statement?

A. I don't believe that Mr. Morphy said that under cross-examination. I don't think he did.

Q. He was cross-examined, wasn't he?

A. I say I don't think he did. I don't think he made that statement.

MR. BRANDEIS. — Let us see. Have you anything on that, Mr. Reed, of cross-examination that would weaken it in any way?

MR. PROCTOR. — You don't want us to interrupt?

MR. BRANDEIS. — I would like to have you give us that information, if there is anything.

MR. REED. — All right, Mr. Brandeis:

Q. Have you had any trouble, Mr. Morphy, with the milk since the middle of December?

A. I don't remember any instance that I did.

Q. And when you were short of milk or anything you made out one of these separate slips and sent it for it? You know you have a separate slip from the regular requisition where you fill out the special orders?

A. No, sir; if I had a special diet order I ordered it on an ordinary piece of paper or anything that I could lay my hands on.

MR. BRANDEIS. — Well, that doesn't seem to throw much light on this inquiry.

ALD. LEE. — Well, Mr. Chairman, I don't think we are getting any light at all — not to-night, surely.

MR. BRANDEIS. — I don't think we have got much.

ALD. LEE. — No; it is pretty near time for the chairman to call a halt, if we are going to get through, and get on to something else.

Q. (By Mr. BRANDEIS.) That is all you have to say, Dr. Cogswell, on that subject?

A. On what?

Q. On Morphy's testimony?

A. Just this, that if Mr. Morphy was very short of milk so that they needed any, I didn't know it until along late in the fall.

Q. Yes.

A. And at that time I know that he must have been short from the fact that the cook's requisitions show that they were short, and I know that whatever trouble he had apparently with the milk was always — nearly always — 99 times out of 100, on the men's side. We very seldom had any trouble on the women's side with the milk. There is one thing — since I ordered Mr. Morphy or some other nurse to accompany the man who brought the milk down from the kitchen, and ordered the cook not to deliver any milk to anybody but the nurse in person, we haven't had this trouble with the milk even in the men's ward.

Q. Well, you have kept a record, haven't you, since the visitors were down there and made their complaints about it — started a regular record?

A. No, sir; I started that before the visitors made their report, and I started the same system before the visitors ever came to the island.

Q. You did?

A. Yes, sir.

Q. Now, what is the date of this?

A. That is February 1, 1894.

Q. February 1st this begins?

A. Yes, sir.

Q. When did the visitors go down there?

A. The first of January.

Q. When did they first talk with you in regard to complaints about the milk?

A. I think the first day.

Q. About the first day of January?

A. I think so, if I remember correctly. If it wasn't the first it was the second.

Q. And it was in consequence of their complaints that you started this book, wasn't it?

A. No, sir; not at all. The system was started before.

Q. What system?

A. Of keeping it that way.

Q. You hadn't had any book before?

A. No, sir; I didn't — started it on some paper.

Q. Used some of these slips?

A. No, sir; not slips — common, ordinary sheets of paper.

Q. When did you begin that?

A. I began those the first day of January.

Q. That was the day they were down there?

A. Yes, sir; and I began another somewhat the same on the 27th day of December, before I knew that they were coming to the island.

Q. Well, didn't you begin that on the first day of January in consequence of the conversation you had with the visitors?

A. No, sir.

Q. Had nothing to do with it?

A. Had nothing whatever to do with it, and I wouldn't say —

Q. Now, what was the conversation you had with the visitors?

A. I don't remember. I wouldn't say it was the first day they were down — might have been the second, but my impression is the first day they were down.

Q. Well, what was the conversation you had with the visitors?

A. I don't remember the exact conversation, or whether it was the first or second time, but I do remember a conversation I had with Mrs. Evans about it. Whether it was the first or the second day or the third day, I don't remember.

Q. Yes, what was that conversation?

A. I couldn't give you the exact language. I don't pretend to do that, but the idea was that we had had trouble with our milk and she asked me to explain it, and I explained it — that part of it came at one time through the measure not being accurate, and that I also thought it might be due to the fact that the people who distributed it or carried it were not honest, and might take it, which would cut some of it short. I also told her that it was. I thought, due, a part of it, to the fact that we sent it over at one time — the morning and noon supply in the morning — and in order to obviate that difficulty I had made some changes in my method of keeping the account on those blue slips, which was to signify at each meal what was to be sent over.

Q. Well, didn't she point out to you this shortage which had been taken place, and about which the complaint had been made?

A. Yes.

Q. Didn't you state to her that you couldn't explain it, and didn't know the cause of it?

A. Yes, I did at that time. I didn't know what was the cause of the shortage at that time.

Q. You didn't show her any of the books then, at any time, which you kept, excepting those slips?

A. I showed her those slips.

Q. Everything you showed her was there, and you told her that was the only record you had, didn't you?

A. I don't think I did.

Q. Well, it was the only record you had?

A. No, sir; if it was the second day she was there. I don't remember when we had this conversation, whether it was the first, second, or third day.

Q. That is all you remember, is it, of your conversation with her upon that subject?

A. On the subject of the milk; yes, sir.

Q. Well, now, I asked last time that you should bring that requisition — the list of articles that Mrs. Kinney prepared for the hospital. Have you got that here?

A. No, sir; I haven't.

Q. Why not?

A. I thought I did have until I started. I came away in a hurry and I had some things packed up and didn't remember to bring them all. I thought I had this with me, but I haven't. I can bring it the next time that I come. It was forgetfulness on my part. I find that I have two lists of hers. I got them out, all ready to bring.

Q. Yes. When were those lists made?

A. The first one was made after she had been there about ten days, I think — I wouldn't give you the exact date — and the last one was made just before she left.

Q. And both of them you have left at the island?

A. Yes, sir.

Q. If you will bring those the next time I would like to ask you a few questions in regard to them. And you bring also that book showing the deliveries of the milk for Rainsford Island and the boarding-house, will you?

A. I will try to; yes, sir.

Mr. BRANDEIS. — That is all I want to ask him about then, to-day.

RE-DIRECT EXAMINATION.

Q. (By Mr. REED.) Doctor, when these alleged shortages of milk on the island occurred, I understand you to say that there was plenty of milk on the island in the milk-room?

A. Yes, sir.

Q. And that whenever the matter was called to your attention you used every endeavor to have an amount of milk sent to the hospital to cover the alleged shortages?

A. I did.

Q. And so far as you know no person in the hospital ever had to go without milk.

Mr. BRANDEIS. — You mean to except Murray, old man Murray, who was cut off?

The WITNESS. — I mean to say this, that so far as I know we never had a shortage of milk on the island so that any patient in the hospital has ever suffered or gone without it that needed it, and certainly Murray couldn't have gone without it because we didn't have it, because we were giving milk to the inmates over in the institution at that time.

Mr. BRANDEIS. — Well, he didn't get it.

Mr. REED. — He didn't say whether he did or not.

Mr. BRANDEIS. — Oh, yes; in his argument he says he didn't.

Mr. REED. — In his what?

Mr. BRANDEIS. — In his argument.

The WITNESS. — No, I didn't, Mr. Brandeis.

Q. (By Mr. BRANDEIS.) You stated that Murray didn't get the milk, didn't you? — the old man Murray, who was cut off from his milk and died three days afterwards?

A. Oh, no, nothing of the kind, Mr. Brandeis — no.

Mr. REED. — He didn't say anything of that kind, Mr. Brandeis. I don't think he did.

The WITNESS. — I know I didn't.

Q. (By Mr. REED.) I only wanted to make the fact clear that at these times when it is claimed that there was a shortage of milk, and that milk was sold, there was an abundance of milk in the storeroom, and all that you had to do was to send over and get it. Now, is that true?

A. Yes, sir; I think it is.

Q. And so far as you know at those times, when a second order was sent to the storeroom for milk it was procured? Is that true?

A. As far as I know it is true. Whenever they came to me I think they always got what they asked for in the storeroom.

Q. Now, a good deal has been said about Clerk Hinds. That man has been an inmate of the institution, as I understand you, had he not?

A. I think he was for about three months in the hospital.

Q. That was before you went there, wasn't it?

A. Yes, sir, it was.

Q. Is he a book-keeper?

A. I consider him such.

Q. Is he a good penman?

A. I consider him a very good penman.

Q. Is that a specimen of his penmanship?

A. It is. It is in his handwriting.

Q. And this is his book-keeping?

A. Yes, sir.

Mr. REED. — I would like to submit that book to the committee as showing whether the man is a good penman or not.

Q. And that man, as I understand you, was brought to the poor-house because of a habit of drinking?

A. No, sir; not to my knowledge.

Q. Didn't you make that statement?

A. Oh, no.

Q. Or was it Mr. Brandeis?

A. I never made such a statement, because I don't know that it was so. He came there from the City Hospital suffering from an acute attack of Bright's disease, as I understand it, and had been at the City Hospital some time and was sent down there to convalesce.

Q. Well, at the present time he is doing well there?

A. He is.

Q. And if there is an example of what they call a reform in pauperism he is an example of that. He has gone from a pauper to a self-supporting individual — is that not true?

A. Yes, sir.

Q. And how does Mr. Hinds perform his duties as clerk?

A. I consider that he performs them in a very creditable manner, as far as I have been able to judge.

Q. Now, as to the books which have been commented freely upon here, I want to ask you one question. When you went to Long Island and took charge of the institution did you not find there in use a book which has been presented here and which is marked at the top of the page, "Burial Book" then in use for some purpose?

A. It evidently was in use and not for the purpose of a burial book.

Q. Well, you found that book there when you went there, didn't you?

A. No, sir, I didn't.

Q. Where was it?

A. It was there and being used, but I didn't find it. If I had found it it wouldn't —

Q. Well, is that the book?

A. Yes, sir; that is the book. That is the book which was used not as a record of burials, but as a death book.

Q. Well, then, there was another book here — I don't know where it is now — which has been called the "Grocer's Pass Book" and a good deal of fun has been made of it. I want to ask you a question about those books now. Now, that little book was started by you after you went there, wasn't it?

A. It was started by me when we first began to bury on Long Island.

Q. Previous to that time you had been burying on Rainsford Island?

A. Yes, sir.

Q. Well, this is the little book to which I refer and the book which has been held up to ridicule here by Mr. Brandeis for two days?

A. Yes, sir.

Q. Now, your purpose in starting that book, as I understand it, was this — the book which I have just referred to —

MR. BRANDEIS. — Hadn't you better let him tell?

MR. REED. — I am going to.

Q. The book to which I have just referred as being in use when you went to the island, and the freight book and other books containing information in regard to the burial and disposition of bodies, were not satisfactory to you and you sought to institute some system of book-keeping, and this book is the result of your investigation and observation and that little book was used by you in the first instance to collect material for this book. Is that correct?

MR. BRANDEIS. — Who is giving the testimony here — you or Dr. Cogswell?

MR. REED. — I am trying to see if I understand it.

Q. Is that correct, doctor?

A. Yes, sir; that is very nearly correct.

MR. REED. — I think you have made so much sport of that book there that the committee ought to know what the book is.

MR. BRANDEIS. — I think with good cause.

MR. CURTIS. — Well, he had very little to get sport out of, so he had to take the book.

MR. REED. — I want the committee to know what the book is.

MR. BRANDEIS. — I have no objection to your arguing. I will argue when the time comes.

MR. REED. — I am willing that you should have the same chance that I have, and we stand ready to argue this or any other matter with the other side.

Mr. CURTIS. — Both in and out of committee.

Mr. BRANDEIS. — I think that book is a proper subject of ridicule.

Mr. REED. — And I do not agree with you in that.

The CHAIRMAN. — Go on with the questions.

Mr. REED. — I am trying to, but Mr. Brandeis insists upon interrupting me.

Mr. PROCTOR. — Insists upon testifying himself.

Q. (By Mr. REED.) Now, doctor, was this book suggested to you by the Board of Visitors either of 1892 or 1894, or did you originate this thing yourself?

A. I originated that myself, with some assistance from Mr. Pilsbury.

Q. Commissioner Pilsbury?

A. Yes, sir.

Q. And you had the book made, did you not, for this purpose?

A. I did; yes, sir.

Q. Now, when did you begin to use the book?

A. We began to use it sometime either the latter part of March or the first of April.

Q. Of this year?

A. Of this year.

Q. And how long previous to the time of the beginning to use that book had you developed the plan?

A. Sometime about the first of the year.

Q. About the first of the year?

A. Yes, sir.

Q. And you had had the plan under consideration for some time previous to that, had you not?

A. Yes, sir, I had.

Q. How long?

A. Well, we had been working on it ever since — about June.

Q. A year ago last June?

A. Yes, sir.

Q. Among other things it is said that there has been a change made or an erasure or something in that little book. Now, is there anything else that shows when Frederick Rallion was discharged from the hospital either by death or otherwise?

A. Yes, sir, there is.

Q. Then whether that figure is changed or isn't changed doesn't make any difference in regard to the proof of the fact?

A. As to his death, no, sir.

Q. And what was the date of his death?

A. He died October 8

Q. Now, what is the other book or record which shows that date?

A. The hospital register.

Q. And on October 8 you were not on the island?

A. No, sir, I was not.

Q. Have you ever been informed of any change in the law regarding the power to punish or detain paupers for punishment in your institution since the time that you received the information

that the law officers of this city were of the opinion that you did not have that power?

A. I have never received any official notification that I had any power to detain and punish inmates at Long Island.

Q. And you never have received any information of any change in the law, have you, recently?

A. No, sir.

Q. Do you remember anything further, doctor, that you want to say about that Snow cottage that was destroyed by fire down there?

A. I should like to say that if we had had all the fire appliances that we have got now, and all that I could imagine that we could ever desire down there within reason, that the cottage couldn't have been saved after we discovered that there was a fire there.

Q. It was located some distance from the institution, was it not?

A. Yes, sir, it was.

Q. And the fire was well under way when it was discovered?

A. The building was, one-third of it, I should say, afire when the fire was discovered.

Q. Do you remember what kind of a night it was?

A. Yes, sir; it was a very cold, blustering night.

Q. In your judgment nothing which you could have had there would have saved that cottage?

A. No, sir; I don't think it would have.

Q. Now, in regard to the disposal of Edward Cuddy's body, is it not a fact that you acted in that matter in accordance with the vote of the Commissioners of Public Institutions, that a bond was required by the Commissioners in that vote, under the Public Statutes of Massachusetts, and it was in pursuance of that vote that you sent the body up?

A. That was my idea.

Q. Is there anything further you want to say, doctor, or have you any memoranda in regard to what has been asked you?

A. I have. I thought possibly Mr. Brandeis might possibly want to ask a few more questions.

Mr. BRANDEIS. — You had better say it now, doctor.

Mr. REED. — If you have got through with him.

Mr. BRANDEIS. — No, but I would rather have him say it now. I do not want to examine him until the next time.

Mr. REED. — I thought possibly he might have made some minutes. I haven't consulted anybody.

The WITNESS. — I wanted to say a little something further in regard to the letter that was read here from Dr. Harkins, in which he stated practically that three matrons newly engaged for the hospital at Long Island on April 23, 1893, had left the island, presumably, from the tenor of his letter, because they couldn't get enough to eat. That was not the fact. At that time I had not engaged any three matrons, new matrons, for the hospital. Those that came from Rainsford Island with the patients, were there at the time and stayed anywhere from six months to now, and the only foundation for that that could possibly be was that I hired no one man as a cook in the hospital and we found out

that there was trouble with the cooking apparatus and there wasn't anything for her to do, and we let her go. She stayed about two days. Then he wants to give the impression that there was no provisions made for the extra help that came at that time. In answer to that I wish to say that at no time since I have been there have we furnished anything less than a pound of meat or a pound of fish every day in the year for every officer and matron employed on the island, and this doesn't take in the turkeys or the tripe, the salt mackarel, ham and eggs. We don't count that in. And in addition to all these things that I have mentioned and the pound of meat, which is all that is allowed in any institution that I know of — that is, as a regular ration allowed for the army and navy, for the men who are supposed to work hard, laboriously — they have all the vegetables in season, and I have here in my pocket — which I would like to read — the menu we offer down there for the officers and matrons.

Q. (By Mr. BRANDEIS.) Is this the menu of the present time, since this investigation began?

A. It is the menu of the present time, and it was the menu that was in operation when I first went there, and it is the menu that has been in operation all the time ever since, with possibly the exception of roast lamb in the place of roast beef, or we sometimes change it to roast veal or turkey. The Sunday dinner consists of roast beef —

Q. This is for the officers?

A. Yes, for the officers. Boiled sweet potatoes, white potatoes, turnips, onions, celery, cranberry jelly, ice cream, pudding, and pie.

Q. (By Mr. RILEY.) Any sherbet there, doctor?

A. Well, we occasionally vary it and give them orange or lemon sherbet, but we have either ice cream or sherbet every Sunday. Monday they have soup, roast beef, sweet and white potatoes, squash, pickles, pie, or pudding. Breakfast: Steak, baked sweet and white potatoes, hot biscuits and doughnuts, tea, and coffee. The Tuesday dinner: Vegetable soup, roast lamb, mashed turnips, boiled onions, sweet and white potatoes. Breakfast: Steak, with baked sweet and white potatoes, hot biscuits, and doughnuts. Wednesday: Soup, roast beef, with all the vegetables that we have, with pie or pudding. Thursday: Roast beef, soup, and vegetables, and celery. Thursday for breakfast we have: Ham and eggs, hot rolls, and baked sweet and white potatoes. Friday we have fish in some form with vegetables, and we also have oyster stew and fried fish for breakfast, sweet and white potatoes, hot rolls. On Saturday dinner is corned beef and vegetables. They have tea and coffee twice a day and tea for dinner every day, and the suppers also consist, as I say, of tea and coffee, hot biscuits, cold bread, some kind of sauce and cold meats. I don't know any better recommendation of the way that we feed our officers and matrons down there than Dr. Parker. You all saw him when he testified here in the spring. If he get up here and testifies again, as I presume he will, you will see him then. He was thinner in the fall when he came than in the spring when he

testified here, and I don't believe he can get a suit of clothes on to-day that he had when he came there.

Q. (By Mr. REED.) Is that all, doctor?

A. Oh, no.

Q. (By Ald. LEE.) Doctor, were those diet lists posted?

A. No, they weren't.

Q. (By Mr. RILEY.) Doctor, are you any heavier than when you went there?

A. Well, you see I had been living over at Deer Island.

Q. (By the CHAIRMAN.) Continue, doctor, with your statement.

A. I want to say a word about this death or burial book.

Q. (By Mr. BRANDEIS.) The death or the burial book?

A. The death or the burial book.

Q. (By the CHAIRMAN.) Excuse me, doctor. I would like you to tell us which is the death and the burial book?

A. That is what I am going to try to do.

Q. Now, doctor, I would like to ask you a few questions in regard to these, if you have no objections. Perhaps you can answer these questions. I find here two books, and a third one which you have in your hand?

A. Yes, sir.

Q. Is there another one also?

A. Yes, sir.

Q. Where is the other one, please?

A. Here.

Q. Let me see that one, please. Now, doctor, will you tell the committee what these books are? Here is this book here-- tell the committee what this book is? For means of identification it has a number on it, 19171. The headlines are, "Record of Burials."

Alderman LEE. — Now, what is on the others?

The CHAIRMAN. — I want him to say first what that book is.

Q. Will you tell the committee what that book is?

A. That is what was the old book that was there before I went there, which was used as a death record book.

Q. Record of deaths?

A. Record of deaths.

Q. Not of burials?

A. And from the marks in it I should say that it was attempted to show simply whether a body was buried or was not. It is not a record of burials in any way, shape, or manner. It isn't my book.

Q. Well, did you attempt to continue this book after you went there?

A. It was continued, but without my knowledge.

Q. And when did you first have knowledge of the existence of this book?

A. About the time that they were making up the annual report in January.

Q. January, 1894?

A. '94.

Q. And then what did you do?

A. I immediately started at work on this record of deaths that you have before you now.

Q. This record of deaths, the first number on page 1 is 6930?

A. Yes, sir.

Q. This is the book which you started and what do you consider this book to be?

A. This is a record of deaths.

Q. Record of deaths only?

A. Well, what you see there as a means of identification.

Q. It is not a record of burials?

A. No, sir, it is not.

Q. Well, from what is this book made up?

A. That is made up from the hospital letter book, from the institution register, from the hospital register, and partly from that book there which is headed "Record of Burials."

Q. This book?

A. Yes, sir.

Q. But I thought that you didn't have anything to do with that after you started with this?

A. I didn't. You asked me what it was made up from. This, you see, goes back to February 1, 1893.

Q. Oh, I see.

A. I verify it. That I try to have as accurate as possible.

Q. Who keeps this book?

A. Hinds, the clerk in the institution.

Q. And he gets his data for making this book from books that are kept in the hospital?

A. Yes, sir; from records that are sent to him.

Q. So if there be a person who dies he is notified and you give him the data to put in the book?

A. Yes, sir.

Q. When do you give him the data?

A. It is given to him at once. Just as soon as a person dies in the hospital, notification of it is sent to the physician in the office and he fills in the diagnosis and what time the patient dies, and that is sent to the front office, the institution office.

Q. Now, will you explain what this book is, this pass book, as we call it, or as it had been called?

A. When we first began to bury the bodies on Long Island we didn't have any book made to keep the record in, because we didn't know exactly what we should want, so we didn't have any book made. But we had the essential facts which were necessary for the identification of bodies only, the number of the grave that the body was put in, the date of burial, and the name of the person.

Q. And this was afterwards kept upon this new record of burials?

A. Yes, sir.

Q. And does Mr. Hinds keep this book?

A. Yes, sir, he does.

Q. Is this book complete up to the present time?

A. Yes, sir, it is.

Q. And there have been no deaths here since the 19th of April — oh, there is a page omitted.

A. Well, I will explain that. That doesn't show necessarily the last burial on the last entry, because, for example, here, Ellen Doherty was buried October 12, and Daniel Coughlin buried November 27. He appears in grave 73, whereas Ellen Doherty is in grave 76. That was because in the meantime Hannah F. Looney's body had been removed by friends and Daniel Coughlin was placed in the empty grave.

Q. Well, now, I think I understand. All these names on the record of burials are also on the record of deaths?

A. No, sir. Every name that appears on the record of burials appears on the record of deaths.

Q. That is what I said.

A. Excuse me.

Q. That is correct, is it?

A. Yes, sir.

Q. I said that all the names on the record of burials would appear on the record of deaths?

A. Yes, sir.

Q. That is right, is it?

A. Yes, sir.

Q. Then the only difference that would be on the record of burials would be that the record of burials would have the number of the grave upon it in which the body was buried?

A. It has the number of the grave, it has the date of burial, and it also would have such a remark as this — "Taken by his brother, October 29."

Q. (By Ald. LEE.) Well, there are records on that death book that are not on this book?

A. Yes, sir.

Q. (By the CHAIRMAN.) I understand that. Now, doctor, I see here under the heading of remarks, "Taken by friends" and "taken by his brother." Now, is there anything to show whom it was that took the body?

A. No, sir. We have no record of what person took the body. We don't inquire the name of the person who takes the body. The way that a body is delivered down there is as follows: The certificate of death is sent by us to the Board of Health and we notify the friends, if there are any, that so and so has died, and if they wish to remove the body they can do so. They go to the Board of Health and get a permit to remove the body. That permit is taken to 14 Beacon street and there they give them a letter, which is sent to us, or the letter is sent directly from the Board to us, to either deliver the body in the city on the P.M. or the A.M. boat, just as the friends desire. So we don't know who the friends are who take the body. We simply have an order to deliver the body at such and a time at such a place and the friends will take care of the body after they have received permission to remove it.

Q. You deliver the body, then, at the wharf. That is, to say, you put the body on board the steamer and the steamer takes it to the wharf here in Boston and the steamer puts it on the wharf and the friends come and take it away. Am I right?

A. Yes, sir.

Q. Then you don't know what is done with the body any more than you put it aboard the steamer. You don't know who takes it?

A. Under ordinary circumstances we do not.

Mr. CURTIS. — Can tell at the Commissioners' office.

The CHAIRMAN. — Well, I don't suppose Dr. Cogswell can testify to that.

Q. There is one more question, doctor, I will ask you, and that is, when you put this body aboard the steamer do you get any receipt for that body from the captain or the mate of the steamer?

A. No, sir, we do not.

Q. Then, if the question should happen to come up betwixt you and the captain of the steamer, you would have nothing to show that you had put that body aboard the steamer?

A. The only thing we have is our freight book, as I say, which shows that the body was sent to the city.

Mr. PROCTOR. — Well, they would either have the body, Mr. Chairman, or it would be gone. If they had the body that would be sufficient evidence that they hadn't delivered it. If they didn't have the body it must have been delivered.

The CHAIRMAN. — That is not the point I am getting at.

The WITNESS. — The chairman is getting at pretty much what I wanted to say in regard to those books, excepting that they were an attempt on my part to start what I considered a satisfactory system, and were the result of experience gained after some months' trial. Now, in regard to this pass-book I want to say this: we started this in rather a primitive way to see what they needed, and in keeping it up from June 19 to November 23, we found that in a good many instances after the body was buried the friends would call for it and we would have to take it up and deliver the body, and that would leave an empty grave. So, opposite November 6, in grave 11, we buried some one, I don't know who, and the body was taken up, and then November 6 we buried Marcella Byrne. Now, we had to scratch out the first name in order to get the second name in. After doing that two or three times, Mr. Hinds thought his work didn't look very neat and he started to copy it over again, and he copied over from June 16 to February 1. Then it was suggested by Mr. Pilsbury, I believe, somewhere about that time, that it would be a good idea to have two lines where we could insert a second name on the second line and thus keep track of the bodies that were in the grave, because it would be convenient, we thought, at some time, it might be, to know who had been in a certain grave; and he started off again and continued, and that has been continued with the book we have there. He just copies this separately from the other, not quite so much in it, but still containing the real essence, which is the name of the person and the number of the grave. In case that anything happened to one book we would have the second. Now, it has been suggested here that the date of the burial of Frederick Ralston has been tampered with, presumably with the intention of having it thought that I had changed the date for the purpose of throwing the blame of the mistake of the burial on Mr. McCaffrey

when it belonged on myself. It certainly does have the appearance of being tampered with here, but whether it has been or not, whether it was done with the intention to deceive, we will lay that to one side. It appears here that Frederick Rallion was buried October 13. There isn't any question but what the "October" and the figure "3" are the same as they were originally placed. The only question comes on the "1." Now, according to that, Frederick Rallion would have been buried either October 3, October 13, or October 23. He certainly couldn't have been buried on the 3d, because he didn't die until the 8th, and that is a matter of record that is in a good many books and doesn't show any tampering. Now, if he was buried on October 13, and that is what I claim, my contention is substantiated that I was not responsible for the burial not being there. Now, the only date that remains is October 23. The next number of the grave is twenty-five, after Rallion. There was a woman there — I think her name was Honorah Brennan. It has been scratched out because there was another body put in her place after we removed her. She was buried on the same day that Rallion was. William E. Howells was buried October 20. Now, it is our custom down there to bury in regular rotation. If a person died on the 8th and another on the 10th, one would be buried before the other or on the same day. Now, if you will look in the death book you will see that William E. Howells died October 15. He was buried on the 20th. Now, Fred Rallion having died on the 8th, he certainly, if he hadn't been buried before, would have been buried with Mr. Howells on the 20th, and he would not have been buried on the 23d. Therefore I say, that even allowing that somebody did tamper with this apparently, which I don't think was done, it would seem as though Frederick Rallion was buried on the 13th. Now, here is another thing. November 23 none of us ever suspected that there was going to be an investigation, and no one ever thought that this question of Frederick Rallion's being sent up to the city by mistake would occupy the position before the public that it has, and we had no reason for changing any dates, any of us. November 23 Mr. Hinds started his second attempt at improving the looks of the book, and you find that he has got down — Frederick Rallion buried October 3.

Q. (By Mr. REED.) Show it to the committee.

(The witness showed the book to the committee.)

A. Then there was considerable said because in one book there the age of Edward Cuddy was given as eighty and in the other book it was given as seventy. Mr. Brandeis said that I did not explain that so that he could understand it. I will see if I cannot explain it so that the committee can understand it. This book in which you find his age as seventy is a book that we got up for the purpose of having our records as accurate as we possibly could, and we took his age, as I said here before, from his permit when he came into the institution. We thought that that was nearer his age than eighty. The age eighty appears in the first book, because that was taken from the pedigree book which gave his age as he gave it when he went into the hospital, and we thought that the age that he gave at 14 Beacon street was nearer his true age

than the age which he gave when he came into the hospital. That is why we made that change. There are a good many other changes we have made from one book to the other and for the sake of being more accurate. Then I want to explain what I said in regard to the small item in the farm products. I said, or intended to say, to convey the impression, that in making up the receipts from the farm products that the item of \$550 for milk, which was, perhaps, half of what we received, was of enough consequence in their judgment to appear by itself, whereas an item of four or five dollars for milk would not appear by itself, was too small to be of any consequence, and so was lumped in with the others to make up the 290 odd dollars. Then I should like to testify as to the date of Dr. Fitz's visit to our institution. It was —

Q. (By the CHAIRMAN.) Hasn't he testified in relation to that?

A. No, sir; he didn't remember. He said he didn't make any memoranda, and it was his impression that he was there early in the summer, whereas he visited the island April 4, 1894, some little over two weeks after this investigation was started.

Q. By Mr. REED.) And his second visit?

A. And his second visit — I don't know the date of that, any more than that it was about six weeks ago.

Q. (By the CHAIRMAN.) Is that all, doctor?

A. That is all I think of.

Q. There is one question I might ask you in relation to this book here, if you will come and look. On this old record of burials — we will call it the old record of burials — what does that "41" mean?

A. Well, that simply signifies — there it is one, two, three, four — that was the forty-first death on the men's side.

Q. Since when?

A. Since the first of February, 1893.

Q. That is the forty-first death. Frederick Rallion is put down here as seventy-seven years old and as dying October 8?

A. Yes, sir.

Q. The next one is forty-two, Thomas Hogan, seventy-two years of age, died October 5; the next one is forty-three. Andrew Glass, 36 years old, October 6; and the next, forty-four, is John Hennessey, seventy-two years old, October 4. Now, I cannot see why John Hennessey's name should not be put before these other names here. It seems he died before these other people did.

A. I don't pretend to explain this record of deaths as it stands on this book.

Q. Well, this was kept since you were superintendent?

A. Yes, sir; but I didn't know they kept it in that book. I supposed that the record of deaths was kept in the hospital register and on the institution register. I didn't know there was a separate book for the record of deaths on the island until Dr. Parker brought it to me, as I say, in connection with making out the annual report.

Q. (By Ald. LEE.) Well, who kept that book?

A. From the looks of it I should say it was kept by Mr. Coak-

ley, — Charles H. Coakley — an inmate. He used to do a great deal of clerical work in the hospital. His work, however, is done under the supervision of the doctors and the nurses.

Q. (By the CHAIRMAN.) Do your hospital records show the death of a person?

A. Yes, sir.

Q. Any more than these books here which you have brought?

A. Well, all of these — that is, the most of these facts are taken from our hospital register or pedigree book.

Q. Well, you have a book there in which are entered the names of the patients in the hospital, and when they die I suppose you enter it on the book?

A. When they die the doctor or nurse does; yes, sir — for instance, if this was the hospital register —

Q. You haven't that book here?

A. No, sir, I haven't. There is the name, and it is pretty much the same as this, except it gives when he enters and when he is discharged.

Q. Well, is there any book you keep down there from which we could ascertain what transpired from day to day.

A. Well, in regard to the patients?

Q. Yes.

A. You mean the patients in the hospital?

Q. Yes.

A. Yes, that is the one that I say contains the private history of each patient down there, and what is given them from day to day and the condition from day to day, whether improving, or if anything happens to them, new developments, that is put in.

Q. (By Mr. REED.) One question, doctor. You have spoken of the time Dr. Fitz made his visits there. It has been insinuated that you may have made some special preparation for the reception of Dr. Fitz and other physicians, who have gone there to look your hospital and institution over. I want to ask you what special preparation, if any, you made?

A. In expectation that the insinuation might be made, I was very careful not to make any.

Q. And the fact is that you did not?

A. I did not make any at all. I didn't make any preparations for his visit.

Q. (By Ald. LEE.) Did you give him a banquet?

A. No.

Q. (By Mr. RILEY.) Didn't know he was coming down there, I suppose?

A. Yes, I did.

RE-CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Doctor, you have not explained the case of that man who was buried six days before he died?

A. Which one is that?

Q. The one you testified about at the last hearing?

A. If you could give me his name I think I should be very much pleased to explain it if I can.

Q. William O'Brien — wasn't that his name? I guess it was in that grocer's pass book?

A. (Examining book.) All I can say as to that is, that it was a mistake of the clerk in putting down ditto marks. If you notice, where he has copied it into the new burial book he has got it that he was buried on the same day that he died. He died on December 3 and was buried on December 3, and when he put it in there as being buried on November 23, it was a mistake. He didn't put down any dates — he simply put down ditto marks. It was a clerical error liable to occur at any time.

Q. (By Ald. LEE). Well, the hospital record will show just what date he did die?

A. Yes, sir; there is no mistake as to his death there.

Mr. BRANDEIS. — The mistake was that he died after he was buried and not before.

(The hearing was adjourned at 7.30 o'clock P.M. to Thursday, December 13 at 4 o'clock P.M.)

FIFTIETH HEARING.

THURSDAY, December 13, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALLSTRAM presiding.

RESIGNATION OF MR. CURTIS AS COUNSEL.

The CHAIRMAN. — The Chair has received a letter, which the clerk will read.

The clerk read the following:

CHARLES W. HALLSTRAM, ESQ., *Chairman of the Committee of the whole Board of Aldermen, City Hall, Boston:*

DEAR SIR, — In view of the new relations which I am about to assume to members of this committee and to the departments of the city of Boston, I deem it expedient that I should take no further part in the proceedings relating to the investigation of the public institutions. I therefore give you notice that I shall no longer act as counsel in the matter. I take this action with the full approval of my clients, they believing that it can in no way prejudice the case before your committee.

EDWIN U. CURTIS.

Mr. REED called Dr. Maurice H. Richardson.

Mr. BRANDEIS. — Do you want to call Dr. Richardson before we have concluded with Dr. Cogswell?

Mr. REED. — Yes, I desire to call Dr. Richardson at this time. His time is valuable and he is anxious to get away.

Mr. BRANDEIS. — Well, I am willing to accommodate him.

Mr. REED. — I thought, Brother Brandies, that you had finished with Dr. Cogswell, with the exception of the lists that were given in by the nurse that you wished to ask him about.

Mr. BRANDEIS. — No, there are some other questions I wish to ask him, too.

Mr. REED. — Then I misunderstood you. I thought you had finished your cross-examination and had turned him over to me for redirect.

Mr. RILEY. — I have some questions to put to him, too.

Mr. REED. — Well, I don't know as I will let you ask him some questions.

Mr. RILEY. — I won't ask your permission.

Mr. REED. — You may have to.

MAURICE H. RICHARDSON, M.D. — *Sworn*

Q. (By Mr. REED.) Your full name, please, doctor?

A. Maurice H. Richardson.

Q. You are a physician, doctor?

A. Yes, sir.

Q. Practising in Boston?

A. Yes, sir.

Q. And you are a graduate of Harvard College?

A. Yes, sir.

Q. And of the Harvard Medical School?

A. Yes, sir.

Q. What year did you graduate from the Harvard Medical School?

A. '77.

Q. And have you been in practice since that time?

A. I have.

Q. Are you a member of any medical societies?

A. Yes, sir,

Q. Will you please name them?

A. The Massachusetts Medical Society, four or five Boston Societies, and the American Surgical Association. I think that is all.

Q. Have you any official connection with any hospital in Boston or elsewhere?

A. Yes, sir.

Q. What hospital or hospitals in Boston are you officially connected with?

A. I am visiting surgeon at the Massachusetts General Hospital and consulting surgeon to three Boston hospitals and to one or two others outside of Boston.

Q. Will you kindly name the others outside of Boston, if you can recall them?

A. The State Almshouse at Tewksbury, the Fitchburg Hospital—I think one or two others, but I don't remember. I was consulting surgeon at the Waltham Hospital—I don't know whether I am now or not.

Q. Have you ever seen the hospital at Long Island?

A. Yes, sir.

Q. The Home for Paupers?

A. I have.

Q. How many times have you visited that?

A. Twice.

Q. Do you remember the date of your first visit?

A. The 27th of March.

Q. Of what year?

A. This year.

Q. '94?

A. Yes, sir—the 23d of March.

Q. The 23d of March?

A. The 23d of March.

Q. At that time did you go through the hospital wards?

A. I did.

Q. Did you visit the institution buildings?

A. Yes, sir.

Q. Did you go through the entire buildings?

A. I didn't go upstairs. I went through the first floor of the hospital building, through all the wards.

Q. The institution building, you mean?

A. Well, it is the place where patients are.

Q. The hospital?

A. The hospital building; yes, sir.

Q. Well, on that visit did you go through the institution building?

A. I think not.

Q. What should you say was the character of the diseases then being treated in the hospital?

A. They were chronic diseases, not acute.

Q. Not acute. What was the condition of the hospital as to cleanliness?

A. It was clean, very clean.

Q. Did you notice any bath-tubs?

A. Yes, sir.

Q. Were they located in the hospital wards?

A. They were off the wards in a separate room.

Q. Did you make any examination of the equipment of the hospital as to bedding, surgical instruments, medicines, etc. ?

A. Yes, sir.

Q. And what was your judgment as to the sufficiency of the equipment ?

A. I thought it very good and sufficient.

Q. Now, as to the nursing required by the patients who were there, did you make any inquiries as to what nursing they received ?

A. Yes, sir.

Q. And what was your opinion as to that ?

A. I thought they received all that was necessary.

Q. How about the surgical instruments ?

A. There was everything necessary for minor surgery and for emergencies.

Q. Did you visit the pharmacy ?

A. Yes, sir.

Q. And what was your impression as to the stock of medicines ?

A. There was a large variety of medicines and the pharmacy was clean. Everything seemed all right.

Q. Were you informed as to the medical staff, the number of physicians ?

A. Yes, sir.

Q. And what was the number of physicians, if you remember, at the time you first visited the hospital ?

A. There were the physician-in-chief, the first assistant, and two assistants, making four in all.

Q. Now, in your judgment, was that a sufficient number of doctors to attend to the sick people there properly ?

A. Yes, sir.

Q. In your judgment, Dr. Richardson, after your examination of the place and what you saw there, should you say that a physician-in-chief and two assistant physicians would be a sufficient number to give medical treatment to those people ?

A. Yes, sir.

Q. Was your attention called to any of the food served ?

A. Yes, sir.

Q. What was the quality of the food ?

A. I thought it was good.

Q. You now refer to the food served in the hospital ?

A. Yes, sir.

Q. How did you form your judgment — from looking at the food, or did you sample any of it ?

A. I tried the food both times I was there.

Q. Did you visit the dining-room ?

A. I went to the main dining-room and to the kitchen where the food was prepared. They were at dinner the first visit, and I tasted what there was for dinner. I thought it was good — good enough for anybody.

Q. Well, do you remember what they had for dinner that day ?

A. They had bread, and fish chowder, and tea. My attention was called to the food because one of the men there said it wasn't fit to eat, and I went out into the kitchen and got a bowl of the chowder and I ate it. I thought it was good chowder. The bread was good, sweet, and I made a lunch of the bread and chowder. I didn't take the tea. I am no judge of tea. On another visit I tried the beefsteak, and whatever they had there in the hospital in the — I think it was off the ward for men. They had beefsteak there, and potatoes, bread — I forget anything else. The meat was, I should say, from the round. I didn't see anything the matter with it.

Q. How was the air in the hospital ? Was the ventilation good or bad ?

A. The hospital is very free from what is called hospital odor. It was very good, I think. That was partly due to the fact that the cases were chronic, I think. There weren't any sores and things of that kind to make a smell, or, at least, if there were any there were not enough to contaminate the air. The only case that smelled bad was in a room by itself. There was one case that was very disagreeable of gangrene of the mouth and the throat, and that was isolated, very properly, and there were two idiotic boys isolated. All the other cases were ward cases of different kinds.

Q. When was your second visit?

A. That was on the 7th of November.

Q. The 7th of November last?

A. Yes, sir.

Q. Now, what was the condition of the place at that time as to cleanliness?

A. There was nothing different between the two visits that I recall. I was going to say that the instruments were in a glass case instead of being in drawers on the second visit, in the operating-room.

Q. Then on your first visit you found the instruments in drawers in the operating-room?

A. Yes, sir.

Q. And at the second visit they were in a glass case?

A. They were, where you could see them easily, pick them out without opening drawers and hunting.

Q. Was there any change in regard to the bedding that you noticed?

A. No, sir.

Q. Did you make an examination of the bedding at the second visit?

A. Yes, sir; the beds on both visits were the same. The beds are woven wire mattresses, woven wire springs. The mattress was made of either excelsior or something of that kind. I don't know exactly what it was — didn't cut the mattress open — and there were blankets and unbleached linen sheets, I should say unbleached in the beginning, and a spread — the regular hospital bed.

Q. Was your attention called to the night-dresses used for the woman?

A. Yes, sir.

Q. Now, I would like to ask you if you consider those garments proper for the purposes for which they are used?

A. Yes, sir; they are made of cotton, and the only thing I noticed was that they were not ironed, I think. They were probably mangled.

Q. But not ironed?

A. They were not ironed with an iron.

Q. But the shape and size of the garments was what I had reference particularly to.

A. Yes, sir; they were short, I should say, as I remember it — rather short, but they were clean and made of unbleached cotton, I should think.

Q. You visited the hospital, I presume, at the request of the superintendent, Dr. Cogswell, did you not?

A. I did; yes, sir; both times.

Q. And did you find any evidences of preparations for your visit at either time?

A. No, sir; unless being perfectly clean is an evidence. Everything was neat and clean at that time and at both times. There was no evidence one way or the other except that the place was clean.

Q. You are acquainted with the superintendent and know his standing in the profession, do you not?

A. Yes, sir; I have known him since he entered the Medical School?

Q. Well, would you care to tell us what his standing in the profession is?

A. His standing is good, always has been.

Q. Now, from your inspection of that hospital I would like to have you tell the committee what your judgment is as to the building, the fitness of the building, and as to the equipment for the treatment of the patients that are cared for there and as to the management — whether or not it is a proper hospital for the purpose and whether or not, so far as you know, it is properly managed?

A. Yes, sir; I think the hospital is a good one, and I think the management is good, as far as I can judge. The hospital is very clean, as all hospitals ought to be. There was a room for isolation, there was a ward for women, for men, a ward for confinement cases, and everything seemed to be kept well. The patients looked well. The inmates looked well fed, well nourished, unless there was some disease to pull them down.

Q. Did you say, doctor, that you were one of the consulting physicians at Tewksbury?

A. Yes, sir — consulting surgeon. I am a surgeon, not a physician,

Q. In your judgment would a staff of consulting surgeons be necessary for the proper management of the hospital at Long Island?

A. I think that is a matter which depends somewhat on the cases — either a board of consulting surgeons or physicians or some one to be called upon in emergencies or in critical cases. I don't know that it makes much difference whether you have a board or whether you call upon some one in extra cases. I have been down at the institutions more or less for the last ten years — never at Long Island — in cases of great severity, critical cases. I never have been at Long Island. But emergencies might arise, cases might come up there which couldn't be sent to the city and which the assistants there would not be able to operate on. In such cases you could have a consulting board or you could call down a surgeon from the city or a physician, as they do at the other institutions.

Q. Well, then, if the superintendent of the institution were allowed to call a surgeon or physician in consultation whenever needed, in your judgment would that be as well for the institution as a board of consulting physicians and surgeons?

A. It would be the same.

Q. It would be the same?

A. Yes, sir; most consulting boards are honorary. Others are active. Some of my positions as consulting surgeon are honorary, others are active. In some institutions I may be only called in the most desperate cases, in other hospitals I may be called in consultation in all grave cases. In others I am not called at all, except in some questions of hospital management.

Q. Well, what is the fact in regard to Tewksbury?

A. In Tewksbury I am one of the consulting board and that board consists of a number of men. Most of the active work on that board is done in Lowell. I have operated there twice.

Q. At the Tewksbury Hospital?

A. Since the board was formed — twice at least, possibly three times, once soon after I was appointed and the other about two weeks ago. But these cases were cases of very great severity, very rare cases, and so they sent for me.

Q. How long have you been on that board?

A. Since the organization of the board. I don't know how long it is. I should guess it to be five or six years perhaps, perhaps not as long as that. It is a board of activity, in that they have called me twice at least in the last four or five years. Others, I think, are called more frequently.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) That is, the other physicians on the board who live nearer the institution than you do, you think are called frequently?

A. I am so informed.

Q. And you believe in boards of that sort as aiding the physician, and raising the general tone of the management of the institution, don't you?

A. Well, I think it is a good thing to have some older man to call on or some specialist in special cases.

Q. And some contact with the outside world which would infuse into the institution the most advanced views in the profession?

A. Well, one cannot get the special experience except in the outside world.

Q. Yes, and I say that is the value of a consulting board, isn't it?

A. Yes, sir.

Q. You would think that such a board would tend to improve and to keep at a high level the hospital at Long Island, would you not?

A. If it was an active board, yes, sir.

Q. And the best physicians in Boston, like yourself, would be willing to serve on such a board, would they not?

A. Well, I think they would, unless it took too much time. I think they would under the same conditions that they have at Tewksbury. The services are all paid for there.

Q. There would be no difficulty, I mean, in getting the best physicians in Boston to take such positions as that under the conditions the State prescribe for its institutions?

A. Under favorable condition I think they would.

Q. And if you were consulted in regard to the hospital at Long Island — I mean consulted as to the management of it — you would have proved that suggestion of the Board of Visitors that a consulting board be organized?

A. I think it would be a good thing. I don't see any objection to it.

Q. And you knew that Dr. Morton Prince and Dr. Putnam had both recommended the consulting board?

A. I did not; no sir.

Q. Well, what is the standing of Dr. Morton Prince and Dr. Putnam?

A. Dr. Prince stands high in diseases of the nervous system, and Dr. Charles P. Putnam is a general practitioner of high standing. They are both friends of mine.

Q. Would you think that the opinions of those two gentlemen in regard to the management of the hospital at Long Island, made after careful investigation, could be trusted?

A. I should give them due weight; yes, sir.

Q. And you think that the investigation which they made, and the observations which Dr. Putnam, for instance, made, in regard to the condition of the hospital, could be relied upon; I mean his observation of those matters?

A. I should think they would be good; yes, sir.

Q. And if Dr. Putnam described the hospital as dirty or shiftless in any respect you would trust his observation in that respect from personal inspection?

A. I should say it was dirty at the time he saw it, if he said so.

Q. And if at the time he saw it and investigated it he declared that the food was insufficient or improper for patients you would say that Dr. Putnam's judgments on that matter at the time he investigated it was to be trusted?

A. I should say he thought so if he said so — wouldn't say so unless he thought so.

Q. Have you any reason to doubt the correctness of his judgment?

A. I will say his judgment was that the food was not sufficient and that the plate was dirty.

Q. Now, you were giving some testimony here in regard to the condition of the hospital on March 27, 1894. Had you ever seen the hospital before that time?

A. The 23d. I never had seen it except from a distance.

Q. You had never been on the island before?

A. Yes, sir; before the hospital was built.

Q. But not since the hospital was built?

A. Not to my recollection, I believe.

Q. So you know nothing whatever about the condition of the hospital at the time the Board of Visitors appointed by the Mayor in 1892, or from this board in 1893, made their investigations and their report?

A. No, sir; nothing at all.

Q. You are testifying from facts as you found them after this investigation was commenced?

A. Well, I don't know when this investigation began, but it was a long time ago.

Q. Well, it began before you were requested to go down there, didn't it?

A. Well, I don't know of my own knowledge when this began, but I was there the 23d of March, and if this investigation began before that it began before that.

Q. You do not, of course, express any opinion in regard to anything prior to the time you went down?

Q. No, sir.

A. Well, now, you say you went there at the request of Dr. Cogswell?

A. Yes, sir.

Q. And did he tell you he wished you to testify here?

A. No, he didn't say anything about it. I don't think he said anything about it. He asked me to come down and look over the place.

Q. How soon after he suggested this did you go down?

A. Well, my impression was that it was some little time — perhaps two or three weeks. I was very busy then and I took my own time, as I did on the second visit — I telephoned in the morning.

Q. So that he had ample time to clean up the hospital or introduce any minor changes in regard to things that might have been found fault with in the report of the visitors which was given him some three or four weeks before?

A. Well, if he had gone and put everybody on the island at work he could have got the hospital in the condition I found it. I telephoned down in the morning that I could go, and they perhaps had an hour and a half or two hours' notice.

Q. But I mean to say that you went down there sometime after he had suggested it?

A. Certainly.

Q. And if, as was testified to by some of the witnesses here, it was cleaned up prior to visits and gotten into shape, they could have done it for you as they were alleged to have done it for others?

A. I think he could have had two or three weeks from the time he first spoke to me until the time I went down.

Q. Yes.

A. But from the time he knew I was coming until I got there was just time to send the boat up and back.

Q. Now, in regard to the second visit, did you go down and make that second visit unawares, or did you make that also by appointment?

A. I made an appointment with Dr. Fitz and Dr. Cogswell to go down that morning.

Q. And he had talked with you some days before that?

A. I talked with him about it. I told him I would like to see the place again and he said he would be glad to have me. I took my own time and went down with my friend, Dr. Fitz. We notified him that morning and he sent up the "Vigilant" and we went right down there and came right back after two hours.

Q. How long were you down there?

A. About two hours.

Q. And what hours were you down there?

A. Well, we left the Massachusetts Hospital at ten o'clock and we got home about one.

Q. That is, you got back to Boston about one?

A. Yes, sir; and that gave us about two hours there.

Q. And did you take lunch down there or in Boston?

A. No, we had a cup of coffee and I had some of the salt fish.

Q. That was the second visit?

A. The second visit.

Q. You were gone from Boston three hours?

A. Yes, ten to one, perhaps a little longer than that.

Q. And the first visit was how long?

A. I was on the island thirty minutes.

Q. And how long were you in the hospital?

A. Well, about thirty minutes.

Q. That is, you were on the island thirty minutes—it took you some time to get up to the hospital and get back?

A. Yes, have to take that out. I don't know how long it was.

Q. Whatever time it took going from the wharf up to the hospital and going back to the wharf?

A. Yes, sir; the visit was brief, and that is the reason I wanted to make another one afterwards.

Q. And the next one you did make was this one in November?

A. Yes, sir.

Q. And in November you were on the island about two hours—two hours?

A. Yes, sir; about two hours.

Q. And when you were lunching there where did you lunch—in Dr. Cogswell's house or the hospital?

A. In the hospital ward partly—I didn't really lunch there. I took a cup of coffee and perhaps a sardine. We didn't have time, didn't go down there to lunch, and I shouldn't have taken anything except that they had it ready, and perhaps we spent five minutes at the table.

Q. That is Dr. Cogswell's house?

A. No, that was in the hospital.

Q. What is called the Administration Building?

A. This is in the hospital building.

Q. Was it in one of the wards or one of the rooms adjoining it?

A. It is where Dr. Cogswell's lives. I understand that that is in the hospital building.

Q. It is a part of the same building—separated by the corridor from the rest of it, from the wards?

A. Yes, sir; that is right.

Q. In the report of the Board of Visitors, which was made in February—February 16 of this year?

A. Yes, sir.

Q. I don't know whether you have seen that report. Have you?

A. I may have read it at the time—I don't remember. I don't know what is in it.

Q. Among the recommendations made by Dr. Putnam and his associates were that: "In the hospital the medical staff should consist of a

physician-in-chief, who shall visit every patient at least once a day; who shall do all surgical operations himself, or be responsible for their being done skilfully by some one else; who shall see that suitable records of each patient are kept; and shall, in general, be personally responsible for the management of the whole hospital and of the infirmary. Or a visiting physician, resident in Boston, might be in charge, as suggested above. In another case, the physician-in-chief should have two or three assistants, one of them a physician, the other, or the other two, either medical students or recent graduates in medicine." Would you, doctor, approve that recommendation which Dr. Putnam and his associates made?

A. I should approve that in most respects. I don't think it is a good plan to have a visiting physician from Boston.

Q. Well, that is a suggestion as an alternative?

A. Well, there were three wards, and those three wards can easily be run by one head and two assistants.

Q. Yes.

A. I don't mean to say there is any objection to more assistance that I know of, if you want to pay for them, but the cases are chronic ones and require very little care. Therefore there should be one man at the head to whom the assistants are directly responsible. And that man at the head, if he is to do surgical operations, should be a surgeon with experience in trivial, minor surgery. Great surgery should not be done except by those especially fitted, and I don't think you could get anybody to take such a place. As I understand the cases, these cases used to be at Deer Island when I used to go down as consulting surgeon, and the cases requiring a special surgeon are very few, I think, indeed, but there are cases of minor surgery in which it would be perfectly proper, I think, to have a very young man to take charge, even a medical student, but I don't think in any hospital that a medical student ought to be allowed to do surgical operations unless the senior is directly responsible and can see that it is done properly.

Q. Now, doctor, you have described precisely what Dr. Putnam and his associates recommended?

A. I dare say.

Q. "In the hospital the medical staff should consist of a physician-in-chief, who shall visit every patient at least once a day; who shall do all surgical operations himself, or be responsible for their being done skilfully by some one else; who shall see that suitable records of each patient are kept; and shall, in general, be personally responsible for the management of the whole hospital and of the infirmary."

A. Yes.

Q. "Or," he says, as an alternative, that "a visiting physician, resident in Boston, might be in charge, as suggested above. In either case the physician-in-chief should have two or three assistants, one of them a physician, the other, or the other two, either medical students or recent graduates in medicine."

A. I think the only difference was possible in the number.

Q. Well, he says a physician-in-chief and two or three assistants.

A. I should say the suggestions were good ones, and that it would not be a bad thing to consider such suggestions. I wouldn't like to say off-hand. I don't see much difference.

Q. They don't differ in any respect from what you have recommended?

A. Excuse me, I was going to say I didn't see much difference from the arrangement as I understand it now, the head physician and two assistants, or the first assistant and two others. That is plenty.

Q. Well, isn't it a fact, doctor, that that was not the condition when Dr. Putnam reported on it, although it may have been the time you went there?

A. My information was taken from my notes at the time I was there.

Q. Yes.

A. I don't know anything about what was there before.

Q. Yes. Then the next suggestion is, that "A staff of consulting physicians and surgeons should be appointed." That you have already given your opinion upon favorably. Now, where did you get your information, doctor?

A. About what? About the physicians?

Q. Yes, sir.

A. Well, I was introduced to them all, I think.

Q. Whom were you introduced to.

A. Dr. Parker — I think his name was Parker — and two others, I think.

Q. Who were the others?

A. I don't know. I haven't got the names. There were two others sitting there in the consulting-room, and I was introduced to both of them.

Q. Two other physicians?

A. Well, I was introduced to them as "Doctor," so I supposed they were. I don't know who they were. That makes four doctors.

Q. Well, that is all they recommend, isn't it? They would be satisfied with three as a consulting board?

A. That is just what I said, that did not differ from the number that I found there.

Q. Only you found one more even than they deem necessary.

Mr. REED. — That was the second visit.

Mr. BRANDEIS. — Well, he stated it as if it were the first.

The WITNESS. — That was the second visit.

Q. It was the second visit you are talking about?

A. Yes.

Q. And there is a change in that respect, isn't there?

Mr. REED. — There was. I don't know that there is now. At that time there might have been three doctors there, but I don't understand that there are now.

Mr. BRANDEIS. — Well, there are so many changes that it is difficult to keep track of them.

Mr. REED. — I understand that your associate, Dr. Parker, has resigned.

Mr. BRANDEIS. — Well, that is the only change, is it?

Mr. REED. — The only one I know anything about.

Q. (By Mr. BRANDEIS.) The next recommendation that they made was: "The number of nurses should be increased; one of the nurses in the male ward should be a woman, and a woman should be appointed head nurse of all the wards, both male and female?"

A. Head nurse to each of the wards, you mean?

Q. No, all wards, for the whole hospital?

A. A matron?

Q. Yes, whatever you would call her. Do you think that is a good recommendation?

A. Let me see; how many nurses does that make to each ward for the day-time.

Q. Well, it doesn't state the number here.

A. I don't know the number of nurses, but my impression was that there were two on in the day-time, and one at night, aided by the well patients — by the convalescents.

Q. You mean in the whole hospital?

A. Each ward, I mean.

Q. Well, this particular matter was the head nurse, the matter I asked you about. The head nurse for the whole hospital you would agree to, wouldn't you?

A. Let me see how many wards there were — three wards? I don't see any objection to it.

Q. I think there are five wards, aren't there?

A. There are two for women, one for men, and a maternity ward, I think. I think that is all.

Mr. BRANDEIS. — Aren't there five wards, Dr. Cogswell?

Dr. COGSWELL. — There are three for women and two for men.

Q. (By Mr. BRANDEIS) Five wards.

A. That gives you for each ward two nurses in the day-time and one nurse at night. That is all an active hospital like the City Hospital would have — one at night and two or three in the day-time, depending on the acuteness of the cases and the care. All I can say about increasing the number of nurses is that this isn't a class of cases that requires nursing like acute cases, although there might be an epidemic, as there was the first time I ever went down to the island. In that case you would have to import nurses, but you don't require in this class of medical cases so many nurses as you do in a hospital that will not take a chronic case.

Q. Well, that was the physician's report — Dr. Putnam gave that opinion also, stating that it wasn't required?

A. Yes.

Q. He says the amount of nursing in the almshouse may not fairly be compared with that of wards where there are acute cases, and that sometimes in hospitals where there are such cases there are four patients to a nurse.

A. Yes, sir. They have in the acute wards from seven to ten patients to a nurse in the day-time and one at night in the Massachusetts General.

Q. That is, taken on an average, day and night?

A. There is no objection, of course, to plenty of nurses if you need them.

Q. You say this is very much like Tewksbury, that it can be compared with Tewksbury?

A. I should think it might be very much like Tewksbury.

Q. The point I wanted to call your attention to was the recommendation that they should have a head nurse over the whole hospital?

A. I think, like the other recommendations, that is worthy of consideration. I never have thought over the matter and I wouldn't want to settle such a thing as that without talking it over with Dr. Cogswell or somebody else.

Q. Well, Dr. Cogswell, as a matter of fact, did adopt that very recommendation, didn't he?

A. I don't know whether he did or not.

Q. Wasn't there a head nurse down there when you went down there.

A. I don't know whether there was over the whole hospital or not. Very like it there was.

Q. Wasn't Mrs. Kinney there when you were there?

A. I dare say — wasn't introduced to her, that I know of.

Q. You know Mrs. Kinney?

A. No, sir; I don't think I do.

Q. Isn't she one of the trained nurses?

A. I don't know one nurse in a hundred by name. I should know her by face, probably. If Mrs. Kinney is here perhaps I might see her.

Q. You don't remember about her?

A. I don't know one nurse in a hundred by name, and I don't see her here either.

Q. And you don't remember meeting any nurse down there whom you recognized as a trained nurse from one of your hospitals?

A. I dare say I did. I don't remember it. I probably would recog-

nize her face, but without knowing her name. The fact I don't remember at all.

Q. Now, doctor, in the early reports made by the Committee of Visitors, appointed by the Mayor, and composed among others of Dr. Prince and Dr. Putnam, their recommendation first was that there should be one paid nurse in every ward. That you would agree to, I suppose?

A. Yes, sir; I supposed they were all paid.

Q. I beg pardon?

A. I supposed the nurses were all paid, except the patients.

Q. Then they recommended a covered wagon with springs for transporting the sick — that is, an ambulance for bringing the sick up from the wharf?

A. They have a covered wagon there with springs now.

Q. Yes, undoubtedly they have now.

A. Well, always had one — had once since the spring. They had one there, too, I think, when I went down before the hospital was built.

Q. Well, how long ago was that?

A. Well, that was when they first went over from Deer Island to Long Island, a long time ago — three or four years perhaps.

Q. The visitors reported that they didn't have when they made this report.

A. Well, that is my recollection of it — I daresay I am wrong.

Q. Then they recommended at that time woven wire beds. You spoke of that?

A. Yes, sir; they are there now.

Q. And this same board of consulting physicians, in that early report — did you read this early report?

A. I have not read any of the reports with reference to this case.

Q. I suppose, doctor, when you went down there that time in March, when you were on the island only half an hour, you didn't make any very careful inquiries as to the past operation of the hospital?

A. No, sir; I don't think I inquired into it at all at any time. I know Dr. Cogswell. I have known him quite intimately ever since he left the Medical School as Port Physician, as Assistant Port Physician, and as Assistant at Deer Island. I had a very intimate knowledge of him there at Deer Island.

Q. Then in coming here you did not intend to come as contradicting any of the statements which had been made by Dr. Prince in his report or by Dr. Putnam in his report?

A. You mean to-night?

Q. Yes, sir.

A. No, sir; I didn't know what they had said.

Q. You were merely reporting as to the hospital?

A. I am giving you an off-hand opinion upon matters I have not considered.

Q. And giving an impression of the hospital at the times you were requested to come down there and see it, pending this investigation?

A. Yes, sir.

Q. Doctor, you are acquainted with Dr. Rowe of the City Hospital?

A. Yes, sir; I know him very well.

Q. And if a nurse had been discharged by Dr. Rowe as being inefficient and incompetent, you would think that he ought to be employed in any other city institution?

A. No, sir. I don't think he would be if it were known.

Q. You don't think it would be if it were known?

A. No, sir.

Q. In laying out the plan of the hospital, do you think, doctor, that the physicians who actually attend patients, who have the care of the

patients, should be allowed to determine the medicines and the diet of the patients?

A. That depends entirely on whether they have responsibility or not.

Q. I mean if they do have the responsibility for the patients.

A. And whether they are students or not. In that suggestion of Dr. Putnam's, the head physician who makes a visit every day should direct in a general way the treatment of the cases, decide whether certain things should be done or not. The assistants should carry out that idea, but should give, I think, their own instructions and their own orders.

Q. Then if the physician in chief did not, or for any period of time does not, himself attend the patients, do you think the physician actually in charge of the patients should be allowed to determine the medicine and diet which the patient should have?

A. Yes, sir.

Q. Assuming, of course, that he is a physician, I mean?

A. Yes, sir; subject, of course, to the general supervision of the men in charge who have to take the responsibility.

Q. Precisely.

A. I think that is the method followed in all hospitals. Some head physicians differ from others. Some will not allow the assistants to do anything, and others will allow them to do a good deal.

Q. You said, doctor, that what you saw down there were only chronic, were largely chronic cases?

A. Yes, sir.

Q. Have you investigated the reports of the diseases at Long Island to determine their character?

A. No, sir; except from my own observation for the last ten years. They are the same that they used to be on the old Deer Island and I think as a rule they are chronic cases.

Q. Well, you don't mean to say there are not quite a number of other cases there, acute cases?

A. Not at all. You couldn't get a hospital full of old people without having a good many acute conditions among them, but I think as a rule they are chronic cases. We wouldn't take them at the City Hospital or the Massachusetts General Hospital.

Q. Now, among the cases here, turning to the last report, it begins with measles. That is an acute disease?

A. That is an acute disease.

Q. Then the next is febricula?

A. That is simple fever. That is acute, too, — doesn't amount to anything, but is acute.

Q. Next, intermittent fever.

A. That is chronic.

Q. Then next, whooping-cough?

A. Acute.

Q. Influenza?

A. Acute. That is what we call a cold, a common cold.

Q. Erysipelas?

A. Erysipelas acute.

Q. Acute rheumatism?

A. That speaks for itself — acute. That is the regular list of diseases there, I suppose?

Q. Yes, it is the regular list and it runs along, but those are cases that arose there.

A. I thought you asked me with reference to the number of acute cases. You don't give me the number there.

Q. Well, measles thirty-two cases.

A. What year?

Q. 1893-94.

A. Yes, epidemic.

Q. It was epidemic?

A. Yes; it was, of course, an epidemic. All these hospitals started with the epidemic in 1883 or 1884. We had an epidemic of scarlet fever and diphtheria at Deer Island, and I think these hospitals were the result — had no place to put them. We started that hospital at Deer Island, then the pauper house was transferred over to Long Island on account of want of room, and very properly.

Q. Well, this list that is made up here is the general list?

A. Yes, the regular list.

Q. For all of the hospitals. And you would find, looking over this list, that there is hardly any disease that appears in that list that there didn't some patient or other have it?

A. You couldn't probably get 500 people together in this climate that wouldn't have a great many acute diseases in the course of the year, especially if they are old; but the fact is that these are cases that would not be received at a hospital that takes nothing but acute cases. Otherwise they would be taken at the City Hospital or the Massachusetts.

Q. Aside from the fact that some may go from these hospitals to the institution.

A. Those chronic or incurable wouldn't be sent away unless they were.

Q. Well, I suppose if that number of people were in the pauper institutions they might take diseases there and be turned over to the pauper hospital. They would not necessarily be cases that would not be received in Boston.

A. In all those acute cases that require special hospital privileges, cases for special operations could be taken to the Massachusetts at any time.

Q. If they happen to be from the city?

A. No, any time they happened to send them up from the island.

RE-DIRECT EXAMINATION.

Q. (By Mr. REED.) Doctor, I understood you to say that you were paid for your services at Tewksbury?

A. Yes, sir; a very small fee.

Q. Now is it your opinion that eminent physicians and surgeons in Boston would be willing to go down to Long Island Hospital in consultation regularly once or twice a week without pay?

A. No, sir. It would be done for honor rather than for money, and the honor would not be sufficient — nor the money either, probably.

Q. Then the present arrangement, which allows the physician in charge to call in any physician or surgeon that he sees fit in consultation would practically be a much better arrangement?

A. That is what I said before. It works perfectly well now. As far as I have seen the institutions — and I have seen them a good deal in the last ten years, not Long Island as much as Deer Island — in the case of the most miserable patient you could think of in the world, if necessary they have sent right up to Boston for a special surgeon or physician. I only know about my own calls, but I understand that eye and ear specialists, any one, they always give without any hesitation the services of any specialist, day or night. And, moreover, — I don't know who did this, I don't know what they call them, but any suggestions that I ever made were carried out, even to the building of a very expensive hospital down at Deer Island. As I recall the operations I have done at Deer Island they were done upon criminals, upon people of the lowest dregs of society. They got the benefit of our skill, such as it was, apparently without any hesitation on the part of anybody. I have been down perhaps a dozen times professionally to operate at Deer Island.

Q. You were paid for the services rendered there by you?

A. Yes, sir; by the City of Boston.

Q. Any question about the bill?

A. Never. The bills were always paid, but they were not large ones. I never sent a large bill to the city.

Q. You say you don't have any recollection of seeing a Mrs. Kinney down at the Long Island Hospital when you were there?

A. No, sir. I think I must have seen her from the questions you asked me, but I don't remember.

Q. Not the questions I asked.

A. Mr. Brandeis—pardon me. To my recollection I don't remember.

Q. As a matter of fact, the woman was not there, and I should not assume that she was for the purpose of asking questions. Whatever Brother Brandeis does I am not responsible for. You are right—she wasn't there. You didn't see her. Now, if Dr. Rowe should say that a man who had been under him as a nurse was a first-class nurse and did his work in good shape and was thoroughly competent, but was a trifle independent, but notwithstanding that had not been discharged from the hospital and would make a first-class head nurse, should you say that any physician in charge of the hospital would be using poor judgment as a physician in employing that man?

A. I shouldn't think he would; no, sir.

RE-CROSS EXAMINATION.

Q. (By Mr. BRANDEIS.) That sort of man would be a pretty good head nurse, wouldn't— independent, if that is his only fault? That is the kind of a man you would want for a head nurse?

A. The only fault I would have to find with that man was his independence, I think.

Q. And as for independence, that would be a very good quality in a head nurse?

A. No, I don't want a nurse who will not blindly obey orders, myself.

Q. You don't?

A. No, sir. I don't want an independent nurse for my own assistant.

Q. Now, doctor, you said you had been called a great many times to Deer Island?

A. I said perhaps ten or twelve times.

Q. Within how many years?

A. Let's see— it must have been since about 1881.

Q. And you have known of other eminent specialists being called in very many times for Deer Island, haven't you?

A. Not as a matter of knowledge, but hearsay.

Q. I mean you have heard of it?

A. Heard of it; yes, sir.

Q. Now, have you ever heard of a single instance or have you ever yourself a single time been called in for the pauper hospital at Deer Island?

A. Yes, sir.

Q. When?

A. Oh, for the paupers at Deer Island?

Q. I mean at Long Island?

A. No, never been to Long Island.

Q. Never once during all this same period?

A. I never have been called to the pauper institutions since Dr. Schwab left, I think.

Q. That was long before these present commissioners were appointed, wasn't it?

A. Well, I don't know anything about the commissioners, don't know any of them, and I don't know who have charge.

Q. Well, this was a good many years ago?

A. I think there used to be a board of directors of public institutions.

Q. Yes, there was.

A. And I don't know who they were, I know they consented to anything I suggested, and when Dr. Schwab, whom I know just as well as I do Dr. Cogswell — when he left, Dr. Cogswell, then, I think, was appointed Port Physician. Then I had no acquaintance there for some time, I think, until at the time of the Deer Island riots. I think I went down there to remedy some accidents that occurred at that time when some of these prisoners got going.

Q. Then, doctor, you have never been called into the pauper hospital at any time?

A. Oh, yes, I was called there.

Q. Since Dr. Schwab's time?

A. Well, I don't know whether they were paupers or not — I couldn't say. I have been called into the Deer Island hospital and whether they were paupers or not I couldn't say.

Q. Now, have you ever heard of any other eminent specialists of Boston being called down to the pauper hospital?

A. At Deer Island?

Q. No, at Long Island.

A. I never heard of anybody's going to Long Island except myself.

Q. Now, you have been speaking of these boards of consulting physicians. They usually consist of five or six men, don't they?

A. Oh, no.

Q. How is it at Tewksbury?

A. At Tewksbury I should guess there were more than that. There was physicians and surgeons and specialists, I think, in the eye and ear. Dr. Jeffries is one of the consulting board. In the New England Hospital for Women and Children, I think Dr. Cabot and I represent the consulting surgeons, and at Dr. Baker's hospital I don't know whether there is another or not. At the Fitchburg Hospital I am the only consulting surgeon.

Q. Yes, but there are other consulting specialists, other than yourself?

A. Very likely.

Q. Now, if there were such a board established at Long Island there is not any likelihood that it would be a burden, that any one man would be called upon to go down once or twice every week in consultation, is there?

A. I don't think there is; no, sir.

Q. There is no likelihood, if a man accepted the position, of his being called upon to go down once or twice a week to Long Island?

A. That depends entirely on the hospital. Take the New England Hospital for Women and Children: if I was called to Long Island as often as I am called there I couldn't do it.

Q. You know the class of cases at Long Island; do you think there is the slightest likelihood of it being a burden to a man?

A. Well, of course it all depends upon the number of times he is called upon. He wouldn't be called upon very often, I think.

Q. And if there were a board of half a dozen men it wouldn't be apt to be a burden to any one man?

A. I don't think it would, unless you got an epidemic, perhaps, or something of the kind.

Q. I am not speaking of cases of epidemic.

A. I don't think there would be any objection to serving on any such board unless it would be that it took up a great deal of time. They are

usually regarded as honorary positions, but if you have so many of them you can't do anything else.

Q. And the physicians, as a rule, are very glad to do what they can to elevate the hospitals in their neighborhood?

A. Everything.

Q. Both for the sake of the particular hospitals and the advancement of medical science, aren't they?

A. They are a public-spirited set of men, I think,—willing to do anything they can.

Q. (By Mr. RILEY.) When were you at Deer Island?

A. When was I?

Q. Yes, sir.

A. The last time I went down was, I should think, two years ago, perhaps,—yes, two years ago.

Q. You spoke of the riots down there.

A. Well, I don't know what you would call them—oh, I have been down there since then, Mr. Riley. I went down the other day.

Q. I understand, but at that time how many visits did you make?

A. During the disturbance there?

Q. Yes.

A. One.

Q. How many cases did you see?

A. One.

Q. What was that?

A. A man with a gunshot wound.

Q. So that that case appeared to be so serious that they sent up to town for you?

A. Yes, sir; it was serious.

Q. What?

A. It was a very serious case.

Q. Undoubtedly—a prisoner was shot?

A. I beg pardon.

Q. A prisoner was shot?

A. No, sir; it was an officer.

Q. That is much better than I thought it was, doctor.

A. I am glad you think so.

Q. Did he recover?

A. He recovered; yes, sir.

Q. And you were down there subsequently?

A. Yes, sir.

Q. How often?

A. Well, I was down to see an Englishman who cut his throat on the way down.

Q. Did he recover?

A. No, sir. He lived a month and died of pneumonia.

Q. Have you been to the House of Correction?

A. Never—yes, I have. I went over there to operate on a prisoner.

Q. In what they call a hospital there?

A. May have been a hospital—looked to me like a cell. There were bars on the windows. It wasn't like any hospital I was ever in before.

Q. In other words, it was all the hospital they had?

A. It was the place they had for him and I recommended him to go to the Massachusetts, because it was a very difficult operation—to the Massachusetts General, and took him over there and operated, and then he was sent back, and he has now reformed and is a very good citizen, I believe.

Q. That was your only visit there, was it?

A. That is the only time I ever went there.

Q. And you then noticed that the accommodations were entirely insufficient for the treatment of the sick?

A. No, sir. I said it wasn't a place where I wanted to do this operation, which was a very difficult one.

Q. Well, that was the only place for it?

A. I don't know. This was some years ago. All I remember is an open space by a corridor, by a cell, — that the operation was a large tumor of the neck, which I regard as a difficult one. I thought this fellow's chances weren't as good there as they would be at the Massachusetts.

Q. That is the only hospital they have over there, doctor?

A. I don't know, as I said before.

Q. That is the only one.

A. Did you ask whether it was or say it was?

Q. I understand that is the only one.

A. I don't know.

Q. At all events, if that is the only hospital they have there, you saw at a glance that it was entirely insufficient for hospital purposes?

A. I said it wasn't a good place where I wanted to do this operation. That is all I said. I didn't say anything about the hospital. It may not have been a hospital.

Q. Oh, yes, — that is all they have over there, doctor.

A. Well, how do you know that I was in the hospital?

Q. When a man gets sick they send him to those cells running along the corridor and call those a hospital. Of course, it isn't what ordinary people would call a hospital.

A. It isn't every place that has a private room for every patient.

Q. Now, how much water does the human body — of course I mean a human body in ordinary health — throw off every twenty-four hours?

A. I don't know, about forty-five ounces by the kidneys. That is all the definite information I have. It depends on circumstances. It comes from the lungs, and the skin, and the bowels, and the bladder, and all I know is the average amount from the bladder. The amount from the skin and lungs depends upon the individual, upon the exercise, upon the weather. I can't tell you without guessing.

Q. Well, take a person in ordinary health and confine him in close quarters in a cell say three feet wide, six feet in length, and perhaps seven feet high, without any means of ventilation save what he may get in this way, — there are two doors, the inner door extended to the floor, and there are, perhaps a foot from the floor, holes. That is, the door is perforated with small holes that might be covered with the tip of the little finger, say ten or a dozen.

A. If you mean the cells for solitary, you don't need to describe them, because I know what they are.

Q. You know what they are?

A. I looked into the matter at Deer Island.

Q. Well, I am referring to the House of Correction.

A. I don't know about the House of Correction at all. If they are like the Deer Island cells I know about them.

Q. I am now speaking of the House of Correction cells, the like of which may not be found elsewhere on this continent, probably. Now, I will begin again.

A. I remember what you said, unless you want to go over it again.

Q. Well, a small cell perhaps three feet in width — I will let you go as soon as I can, doctor, but I want to get a few answers to two or three questions from you. They are small cells in an old building erected back in 1829, when they paid very little attention to ventilation, that is, not the same attention they do to-day. They are three feet, we will say, in width, some seven feet high, and perhaps some six feet in length. There are two doors. The inner door runs from the ceiling, or the top, the archway, down to the floor, covering the space tightly with the exception of ten or

twelve holes, small holes, a foot from the ground. The outer door runs to within an inch of the ground. Now, the only means for entry of air is under the outer door and then going between the two doors and getting in between the holes perforated through the inner door. A prisoner is put in such a cell and kept there, say, ten days, sometimes twenty days. The light is excluded. There is no means of walking about and the only means of lying down is to lie down upon a board that is three inches from the floor. The door is opened once in every twenty-four hours, when a pint of water is passed in and perhaps five ounces, four or five ounces, of bread. That is the only food, the only things to eat and drink in twenty-four hours.

A. Four or five ounces of bread in twenty-four hours?

Q. Yes, sir. Now, with that going on for ten days what would be the probable effect upon the prisoner's health?

A. I should think it would be injurious to his health, sir.

Q. And decidedly so?

A. Well, a man requires more than a quarter of a pound of bread for a day.

Q. How much water does he require consecutively for twenty days, perhaps?

A. Well, it depends on the waste altogether.

Q. Take a man in ordinary health?

A. A man in ordinary health would require to supply the waste of the kidneys three pints a day — the kidneys alone.

Q. Well, then, if you kept a man for twenty days in such a place giving him but a pint of water a day the effect on his health must be very detrimental. Isn't that so, doctor?

A. I don't think he would live twenty days with that diet and water.

Q. They have lived.

A. Then they must have had more diet and water.

Mr. PROCTOR. — There is no such evidence at all.

Q. (By Mr. RILEY.) They wound up by being sent to the Insane Asylum, doctor — the body remained and the mind went.

A. The body would go before the mind, I should say. I suppose a man could live twenty days without anything to eat.

Q. (By Mr. BRANDEIS.) You say a man could live twenty days without anything to eat?

A. Well, I believe Tanner went forty.

Q. (By Mr. RILEY.) Well, put the water a little more — say a pint and a half of water a day. What do you say to that?

A. I should think a man could live twenty days easily.

Q. What?

A. That would supply the waste, I should think.

Q. That would barely supply the waste?

A. Well, that is all that is necessary.

Q. But it would still be injurious to health, would it not?

A. You are asking questions upon which I am not exactly an expert, but I will answer the best I can.

Q. Yes.

A. I should think that a pint and a half of water a day would be enough — shouldn't think he had enough bread.

Q. And how much bread do you say a prisoner should have?

A. Well, more than a quarter of a pound a day, I should think.

Q. How high should you place it?

A. Depends on the man somewhat.

Q. Well, take the ordinary man, a man in ordinary health, and give him the average weight — perhaps 150 pounds.

A. My opinion, Mr. Riley, would be good for nothing on this question. If you want it I will give it to you.

Q. I will take it, doctor.

A. I don't know how much a man would require. I think anybody would see that your first suggestion did not admit of health and perhaps not of life — don't have to be a doctor to say that — but as to the amount required for a person in health, I don't know. I should guess that a man might take three pints of fluid a day and get along with what he gets in his food. About the ration of bread I don't know, I am sure. I am guessing and I had better not say anything about it.

Q. But you would say this, that five ounces of bread per day would not be enough?

A. I am willing to say that, yes. I said that before.

Q. Yes. Now, what would you say to this — take a strong, powerful man, weighing perhaps 300 pounds and in good health, an officer of an institution like our House of Correction, striking a prisoner with a monkey-wrench, a weapon that he has carried from day to day for twelve years, and carries in the main for that purpose? Would you say that such a blow would be dangerous or otherwise?

A. I should say that it would be dangerous — quite.

Q. I mean on the head, doctor.

A. On the head? A 300-pound man?

Q. Yes, sir.

A. I think the mortality would be very heavy. I think he would kill a good many men.

Q. Well, you were over there and saw the deputy did you not — Deputy Witham?

A. Witham? Oh, I know Deputy Witham; yes, sir.

Q. Well, he is as near to a 300-pound man as a man could well come.

A. You mean that man carried a monkey-wrench around for the purpose of hitting men on the head with it? He is a friend of mine, and I thought he was a pretty good fellow.

Q. You remember him?

A. Yes, sir; went down to the island one day to see him when he was sick.

Q. Well, he comes pretty near being a 300-pound man, doesn't he?

A. Well, he is over six feet tall and weighs between 250 and 300. He couldn't hit a man with a monkey-wrench without killing him, almost always.

Q. Well, it has been testified that he has hit men several times and didn't kill them, but Dr. Bancroft said he did them up.

Q. (By Mr. REED.) Did you see the wrench?

A. I never saw it, no.

Q. (By Mr. RILEY.) You know what a monkey-wrench is, do you not?

A. Yes.

Q. Well, this is a wrench that, by measurement, is seven feet in length. (Laughter.)

Mr. PROCTOR. — I think you are talking about Mr. Witham's length.

Q. (By Mr. RILEY.) After causing a laugh, doctor, I will reduce the feet to inches — seven inches in length and made of metal — didn't have it weighed, but it is heavy enough. Now, would you recommend and approve of the use of such a weapon by such a man on prisoners?

A. Well, I think if you ask that question seriously —

Q. I do.

A. I will answer it seriously.

Q. Yes.

A. No, I don't approve of that.

Q. And you still stick to your answer that the rate of mortality would be pretty heavy?

A. He would kill a man every time he hit them almost. Absurd.

Q. (By Ald. LEE.) Did I understand you to say, doctor, that at Deer Island while you were there the last time a man had cut his throat?

A. Yes, sir.

Q. And lived a month?

A. Yes, sir.

Q. And the city paid for it—that is, paid you?

A. Paid me; yes, sir.

REDIRECT—EXAMINATION.

Q. (By Mr. REED.) Doctor, did you ever know of a case at the Long Island Hospital that required the services of a consulting physician or surgeon?

A. At Long Island Hospital?

Q. Yes, sir.

A. No, sir.

RECROSS—EXAMINATION.

(By Mr. BRANDEIS.) Never have known anything about the cases at the Long Island Hospital before you went there?

A. Why, no; I suppose they are the same class of cases they had in the old pauper hospital at Deer Island.

Q. And at Tewksbury?

A. And at Tewsbury. The only inference I could go on is, that when Dr. Cogswell and Dr. Schwab were there they used to send for me when they got into a scrape.

Q. And later you were never sent for?

A. When Dr. Schwab went away that ended the Deer Island, and Dr. Cogswell may have had occasion or may not. He never has sent for me. I have been down at Deer Island with Dr. Roche twice, I think.

REDIRECT—EXAMINATION.

Q. (By Mr. PROCTOR.) I suppose, Doctor Richardson, that the answer which you made to Brother Riley with respect to the injurious effects to health on the prisoners confined in solitary as he has described were answers to those specific questions and those specific hypotheses, and not to anything else?

A. My answers were based upon his hypotheses.

Q. That is to say, if a man were confined twenty days without being taken out, and if he received only the amounts of bread and water which he has detailed to you, you would regard that as undoubtedly injurious to his health?

A. Yes, sir.

Q. But it is only based upon that hypothesis, and nothing else?

A. Yes, sir; that is all.

Q. If the facts were different your answers might well be different?

A. The question of solitary was in my mind, but I don't know that that had anything to do with Mr. Riley's question. I have looked up the solitary question. I looked into that long ago.

Q. But if a man were taken out at the expiration of every three days, that would be an element which you would regard as material and important in considering the effect upon the man's health?

A. Yes, sir.

Q. And if he were put into another cell which had not theretofore been opened, and if he were fed, given a good square meal of food each time he were changed, that would be an element which would also influence your judgment?

A. Yes, sir.

Q. Now, if, in addition to that, Brother Riley included and stated

in his hypothetical question that there was a ventilating shaft in each cell, that might well be an element which would affect your judgment?

A. Well, it is the food that I based my judgment on more than the ventilation.

Q. Then it was the food?

A. Yes.

Q. Then if a man were kept in solitary for three days upon even five ounces of bread and a pint and a half of water, that could, I suppose, very well happen to a healthy man without very serious injury to his health?

A. Yes, sir.

Q. And if at the expiration of that time he were well fed he might well last for three days more upon the same fare of bread and water without injury to his health?

A. Yes, sir.

Q. And if he were bathed he might well do so again?

A. Yes, sir.

Q. But in no case, as I understand the evidence, although Brother Riley has so stated it—

Mr. RILEY — Perhaps you don't understand it.

Mr. PROCTOR — Perhaps not, but I can't misstate it as you can on my life. I bow the knee to you, sir, in the misstatement of evidence.

Mr. RILEY. — Bow the knee in everything.

Q. (By Mr. PROCTOR.) Then, of course, all these things which I have stated would be important elements in making up a judgment?

A. Yes, sir.

Q. (By the CHAIRMAN.) Doctor, I understood you to say you had made some study or preparation in regard to the solitary cell business?

A. Yes, sir.

Q. Now, the questions asked by the counsel on both sides have not fully enlightened me, and I would like to ask one or two questions in my own way to see if I can get the information which I desire. Are you acquainted with the solitary cells at the House of Correction?

A. No, sir; I never saw them. I knew about the cells at the House of Correction, Deer Island, if you mean that. That was some years ago. I don't know whether they have them now or not.

Q. Assuming, then, that they are practically the same thing, what would the effect on a prisoner be to place him in solitary confinement for three days and at the end of three days to take him out and give him a bath, we will say, which would possibly take twenty minutes; then put him in another cell, there confine him for three days longer and take him out and give him another bath, which would possibly take twenty minutes longer; then take him out and put him in another cell, and continue that for from twenty to thirty days, feeding him all the time upon five or six ounces of bread and a pint of water once in twenty-four hours, what would be the effect upon the prisoner's health?

A. I think it would be injurious.

Q. In what way?

A. On account of the insufficient food and water.

Q. In what way would it affect him?

A. I don't think he would have enough to eat.

Q. Would it affect the prisoner's mind, in your opinion?

A. Well, only as the body was affected. I don't know as it would have any special mental strain.

Q. It might affect his mind?

A. Only as the body would be affected — not the mind as the mind.

Q. Yes.

A. As I understand the solitary, putting the prisoners in solitary, when they are put in solitary it is not intended to make it agreeable to them, but that is no reason why they should get an insufficient amount

of food and drink. I don't think you have a right to interfere with a man's health. You may make him suffer all you please. But that is a question I never thought over—about the food, you understand,—but only the question of the ventilation and the solitary confinement.

Q. When you were studying this matter of solitary confinement did you ascertain how much food was given to the prisoners?

A. No, sir; I assumed that the prisoners had plenty of food, such as it was—bread and water—no cut-down on the food. I don't think there was at Deer Island.

Q. For what purpose did you make a study of this?

A. Just with reference to the effect on their health of their being in solitary.

Q. Well, not for the purpose of testifying at this investigation?

A. Oh, this was years ago.

Q. Years ago. So much the better.

A. They may not have any solitary there now, for all I know.

Q. Then in your study you did not take into account the matter of how much food was necessary?

A. No, sir. I found that the men were not injured by their solitary confinement.

Q. The matter of solitary confinement of itself was not injurious?

A. No, sir; I don't think it was—I didn't think it was.

Q. Provided they have a sufficient amount of bread and water?

A. Yes, sir.

Q. You don't think, then, that the length of time a person is in solitary continuously would tend to injure their health?

A. I think that is true—that is, I don't think they ought to be kept in confinement too long, and ought not to be kept there if their health is breaking down. For that purpose they are examined from time to time. I don't think you ought to be inhuman even about a punishment, but in regard to the punishments in solitary, as far as I was able to learn by examinations and inquiries at the time I was at Deer Island, the patients were not injured in their health. It was no fun to be in solitary, and it was, perhaps, one of the few punishments that you could think of.

Q. Would you say, then, that three days' imprisonment in solitary confinement with enough water and bread was not detrimental to a prisoner's health?

A. I say that.

Q. You would not say, doctor, would you, but what a prisoner might be kept in solitary a certain length of time when his health would break down?

A. I would say that he could be kept there long enough so that his health would break down.

Q. (By Ald. LOMASNEY.) Doctor, about how many days would it require to do that, in your opinion, with an ordinary man?

A. An ordinary man, kept in solitary confinement, with plenty of food and water—that depends, of course, upon the temperament of the man, the effect would be mental then, altogether.

Q. Well, take a man of excitable disposition—stubborn, a man you would call pig-headed?

A. It would take a good while to hurt him.

Q. It would take a good deal to kill him? How long would it take to affect a man of that kind?

A. A pig-headed, obstinate man?

Q. Such as I have described?

A. I should think it would take a long time. It would be a matter of a good many days.

Q. And what should you say if he went crazy after he was in there twenty-one consecutive days?

A. That he went crazy—he was not crazy before?

Q. That he went crazy; yes, sir.

A. I should think that that might or might not be the cause. I don't know. It would be an exciting cause, I should think.

Q. Supposing he came right out of there and went to the hospital, went under observation, and was finally sent to the Insane Hospital after having served twenty-one days in solitary confinement, would you think then that had had a tendency to produce insanity?

A. I should think that that probably had an influence, although I don't know much about mental diseases.

Q. If a man were insane when he was put in there would you think that proper treatment to give an insane person?

A. I shouldn't think it would make much difference in an insane person — have to put them in padded rooms very often.

Q. I mean solitary confinement?

A. Well, one of the most common ideas among the insane, is, I believe, that they are in a crowd of people; that people are watching them.

Q. Should you think it a proper thing for officers in charge of an institution to put a man in solitary confinement and keep him on that diet twenty-one days?

A. No, sir; I should not.

Q. Have you looked into the increase of insanity at the House of Correction, at South Boston?

A. No, sir; insanity is a thing I don't see anything of — having nothing to do with.

RECROSS-EXAMINATION.

Q. (By Mr. RILEY.) In other words, doctor, there is no doubt but what if you keep a person long enough in solitary it would break down the health of the individual, and eventually affect the mind?

A. If you kept him long enough to do it, it will do it.

Q. Now, you undoubtedly have the right idea about solitary confinement: that it is meant as a punishment?

A. Yes, sir.

Q. And it is not meant for the purpose of destroying health or for the purpose of causing insanity?

A. No.

Q. There is no question but what you are right there. In order, then, to apply solitary confinement safely, you will agree that the cells should be properly ventilated, will you not?

A. Yes, sir.

Q. And you will also, say, will you not, that there should be some means of exercising in that cell, especially if you are to keep the prisoner in twenty days?

A. Well, I don't think that is —

Q. As, for instance, walking around?

A. I don't think that is an essential as compared with exercise and food — I mean as compared with air and food.

Q. Well, you realize this, do you not, doctor, that one cannot lie down upon the floor or upon boards lying on the floor all the time, and one cannot stand up all the time?

A. No, certainly not.

Q. Well, if there be not room enough to walk around what is one going to do?

A. Lie down.

Q. You give it up?

A. Lie down. A man can walk in a very confined space; get a little exercise in a very confined place.

Q. Perhaps I didn't make the thing as plain as I should have done, doctor. Take the case of a person imprisoned in such a cell as I have

described with the light shut out all the time, in total darkness, with ventilation as bad as it can be and with the foulest air.

A. You don't mean that.

Q. With the foulest air, in that small space, and with a bucket kept there and changed but once in every twenty-four hours. Now, wouldn't ten days of such confinement, ten days consequently in such a place, have a tendency to cause insanity?

A. It would have a tendency to impair the body and mind, but not to cause insanity especially as such. But you didn't mean exactly what you said by your question.

Q. What?

A. You didn't mean exactly what you said in one of your suppositions. Of course, if the ventilation was as bad as bad could be the man couldn't survive at all. You meant bad ventilation, I suppose?

Q. Well, very bad.

A. You mean ventilation as bad as one naturally expects from such a door as you have described?

Q. Yes, sir; and from the presence of a bucket and from the lack of ventilation. There is a little hole about that size up at the top.

Mr. PROCTOR. — Off again on your facts, Brother Riley.

Mr. RILEY. — Well, I will get back all right.

Q. But it was made long ago and probably stopped up long ago. That ventilation, almost as bad as one could imagine, would have a tendency to unseat the reason, wouldn't it — upset it?

A. Assuming your ventilation as very bad it would have a worse effect than if you assume that it is not very bad.

Q. Yes. Now, something was said by counsel on the other side about taking a prisoner out of the end of three days and putting him in another cell, putting him in and giving him a good meal — which, by the way, is mythical so far as the meal was concerned.

Mr. PROCTOR. — No, not on the evidence.

Q. (By Mr. RILEY.) And keeping that up for, say, nine days. You were then asked if that would change conditions and you answered "Yes." Let me put it in this way: We have two cases, we will say, one where a man is kept ten days consecutively in such a cell, and the other where the man is kept three days in such a cell, taken out for about five minutes and put into a cell exactly similar; kept three days there and then taken out five minutes more, and then put into another cell exactly like the first and second. Would there be much difference in the cases?

A. Would be no difference in the cells?

Q. No, I say the cells exactly alike in all their appointments — would there be much difference in the result to the prisoners?

A. I say no difference, if you put them in the same or similar cells.

Q. That is it — no difference at all. Then take a person, a prisoner, having a tendency to insanity, and keep him in such a place for ten or twenty days upon an amount of not more than a pint of water every twenty-four hours and about five ounces of bread, wouldn't that have a strong tendency to develop insanity?

A. In a man with a natural tendency to insanity, I understand?

Q. Yes, sir.

A. I think it would have a tendency to increase his insanity.

Q. And in almost any case it would have a tendency to undermine the health — it would result in undermining the health or impairing it?

A. Well, if one got as much food as you say and were kept twenty days, being fed up every third day, it would make a difference.

Q. No, that was the imagining of Brother Proctor.

Mr. PROCTOR. — That is the evidence.

Q. (By Mr. RILEY.) Well, there is no doubt that it would substantially affect the health?

A. Not at all.

Q. And might reasonably affect the mind?

A. I should think it might; yes, sir.

Q. Now, if you found this to be the fact, doctor — that, first taking the number of all the prisoners held in our prison institutions in this State, and saying that that number is about 8,000, that from all those institutions there were turned out last year ninety insane cases —

A. Ninety?

Q. Ninety, and that from the House of Correction in our city, which averages between 500 and 600 prisoners, during that year there were turned out twenty-five of those ninety insane cases, and you found the Prison Commissioners of the State inquiring why it was that there was such a radical increase in the insane cases from that institution, would you not come to the conclusion that the solitary confinement such as I have described might have something to do with it?

A. I should investigate that and see.

Q. Yes, but wouldn't that arouse your suspicions?

A. That would be one thing; yes, sir.

A recess was taken at 6.25 o'clock P.M. to 7.30 o'clock P.M.

EVENING SESSION.

The hearing was resumed in the Aldermanic Chamber at 7.30 P.M., Chairman HALLSTRAM presiding.

FREDERIC TUDOR. — *Sworn.*

Q. (By Mr. REED.) Your name, Mr. Tudor?

A. Frederic Tudor.

Q. What is your business?

A. I am a sanitary engineer.

Q. You have an office in Boston?

A. Yes; 95 Milk street.

Q. 95 Milk street. You are a graduate of Harvard College?

A. Yes, sir; class of 1867.

Q. And you have given attention to scientific matters largely since that time?

A. Yes.

Q. What experience have you had?

A. Well, I was practicing general civil engineering after graduation for seven years, and about 1875, nearly twenty years ago, I took up this specialty of sanitation, including ventilation, heating, plumbing, drainage, and allied subjects.

Q. How long have you pursued this particular branch of the business?

A. Well, specially ventilation, heating, and plumbing and draining since 1875.

Q. Are you familiar with the institution buildings at Long Island?

A. Yes. I have done some work there — some engineering work.

Q. And how long have you been familiar with those buildings?

A. I should think for about three years, or a little more.

Q. Have you visited the island frequently during that time?

A. Yes; superintending work which was under construction.

Q. Well, the main building, the institution building, I understand is without any good system, any perfect system of ventilation?

A. Yes; there is no system of ventilation.

Q. Have you made a study and devised a plan for the ventilation of that building?

A. Yes; for the City Architect. I made a plan and specifications for a system of ventilation.

Q. For the City Architect?

A. Yes.

Q. And you have reported to the City Architect?

A. Yes. It has been estimated upon by contractors.

Q. Then, all that remains necessary to put that plan of yours into operation is the funds?

A. So I understand it.

Q. And with that system in operation it is your judgment, is it not, that the ventilation will be all right?

A. So far as I am able to devise a system of ventilation, I think it would be.

Q. Now, as to the hospital building, are you familiar with the system of ventilation there?

A. Yes. I designed it and superintended it.

Q. You designed the system and superintended the construction of it?

A. Yes.

Q. Are there any improvements that you would now suggest in regard to the ventilation of the hospital?

A. I don't know of anything that could be added to it in the way of apparatus.

Q. Then you are satisfied with the result of your plan for the ventilation of that building?

A. Yes.

Q. How much experience have you had during the past year with houses in general as to their sanitary condition?

A. Well, I have inspected nearly 100 houses, I should say, of different classes.

Q. That is, during the past year?

A. Yes.

Q. Well, take two years back?

A. Well, I have finished the 186th to-day.

Q. And in that number do you include the buildings at Long Island?

A. Yes; two of the new buildings at Long Island — that is, the hospital extension and the new dormitory. That is, those buildings have been what I call officially inspected and tested — put under actual test to find out their real condition.

Q. Well, during your visits to Long Island have you taken notice of the sanitary condition of the institution building?

A. Well, I have never inspected it by my special process, but I have observed it as I passed through it.

Q. Now, will you state to the committee what the sanitary condition is of those buildings at Long Island?

A. Well, I should say this: When I first saw the institution building, — that is what I call the Paupers' Home, the brick building, — I was impressed with its general cleanliness throughout. I was very much impressed with it, and on subsequent occasions when I have been in those buildings I have noticed what I saw the first time. Since this investigation began I have asked my assistants to do the same, and they have always found everything apparently in the best of order. Now, I would like to state a little more at length that in my inspection of houses, I have to go through the houses from top to bottom, from attic to cellar, and on the roof, and where there is a sub-basement I have to go into the sub-basement; and I think it would be a liberal education to the citizens of Boston if they could see the cellar and basement of those

buildings. They would there see what it is to have a thoroughly clean basement and cellar. I am aware that there must be dirt there at times, especially when they are cleaning up, but I suppose any housekeeper would be dismayed if their house was put under inspection without notice, as I have to see them. I go in at any time, generally in the morning, and I find all kinds of conditions of things; but in only a few instances out of the 185 buildings that I have examined have I been struck with the general cleanliness and good appearance of the rooms and other places. That is my observation.

Q. Then, from your observation, as I understand it, you would say that the sanitary condition of the buildings on Long Island compares favorably with the condition of other buildings which you have examined?

A. More than favorably. I think they would be an example for the citizens to imitate. That is what I think of it.

Q. How long ago did you say your first visit to those buildings was made?

A. Well, it was when they were building the new hospital. Now, I cannot tell you when that was, but it was at the time the new hospital was under construction. It seems to me it must have been three years ago.

Q. Well, how often did you have occasion to go there?

A. More than once a month, I should say, and at all kinds of times. Sometimes in the morning and other times in the afternoon.

Q. Did you send notice of your approach?

A. No, I have frequently been in the buildings without any one knowing I was on the island, probably.

Q. What has been the condition of plumbing generally as to cleanliness?

A. As far as I could see it was in much better condition than I should have found it in any tenement in Boston—a great deal more clean.

Q. What do you say of the plumbing in the hospital, the bath-rooms, the bath-tubs, and the water-closets?

A. I should think they were very good; very well arranged and suitable.

Q. In the care of the plumbing, what did you notice?

A. It looked all right.

Q. How long, Mr. Tudor, have you been at work upon this system of ventilation which you devised for the institution building and which has not yet been put into operation?

A. I think it was begun about a year ago.

Q. And when was it completed?

A. The designs, you mean?

Q. Yes, sir.

A. Well, I think they waited a long time before they were put out for bids. That was done, I should think, in the summer. My memory is imperfect about that.

Q. You mean that the City Architect waited a long time after you had submitted the scheme to him?

A. Yes.

Q. Do you think that thing was complete a year ago? Do you mean to say that you finished your work a year ago, or began it a year ago?

A. I should not think it was complete a year ago. I will say this, that there was a scheme laid out by another party, and Mr. Wheelwright, for reasons best known to himself, decided that he would not have their scheme. It was laid out more than a year ago. He afterwards gave it to me to lay out. He preferred my system, as I understood it.

Q. Then your plan is not the first one that was made?

A. No, and I consider that the other one would have been a good plan. The objection to it was that it was a mechanical system — that is, that it required a forced blast — a blower. The system which I laid out is automatic.

Q. What is your system?

A. Well, I have no system.

Q. Well, the system which is under consideration for the building now, I mean.

A. It is a system which operates by heated shafts. That is, the movement of the air is brought about by heated shafts run up to the roof. There are inlets of air, and it is heated and discharged in each room, and the foul air is run up into the upper part of the building and finally discharged through upright shafts which are heated at the base by steam. That is the system.

Q. Is that system anything like the system in operation in the hospital building?

A. No.

Q. What is that system?

A. It depends almost entirely upon blowers — that is, fans; blowers which are run by electric motors.

Q. You have been a frequent visitor to the institution at Long Island. I suppose you went up and down on the city boat in making your visits, did you not?

A. Yes, always.

Q. And you have observed, undoubtedly, the treatment which the prisoners who were being taken down to the island to become inmates have received on the boat and on the island and in the institution?

A. Yes.

Q. Now, will you tell us what your opinion is as to the treatment which they received?

A. I think they are treated with a great deal of consideration. I would like to speak of one instance that I noticed. I don't know who the party was who was the principal actor in the incident, but it was a party not going to Long Island, but Deer Island. It was in the winter time. I should say it was in March, and there had been a northeast storm, lots of snowing and sleet, and the decks had got covered with ice; and when we stopped at Long Island the passengers got off and most of them were able to take care of themselves, but one of them was an old woman who had several bundles in her hands, and she seemed to have a good deal of difficulty in getting over the deck. Well, I am ashamed to say that I didn't offer to give her any assistance myself. I thought she was probably some old drunk, and that she could look out for herself, and that if she met with an accident it only served her right; but I found I had not learned all I ought to have learned in good manners, because one of the deck hands helped her across the deck and up the bridge and on to the wharf; and I must say that I was very much astonished at that, because I hardly expected to see in such a place so much politeness.

Q. Well, what did you notice particularly in regard to Long Island?

A. All I can say is that I have passed about among the inmates and among the officials, and it struck me the inmates were kindly treated. I certainly had that opinion, that they were kindly treated.

Q. Now, in all your visits to the hospital building, have you ever noticed any condition of uncleanness or filthiness about the place?

A. No; the only thing that struck my notice was the color of the linen, and of course any one who sees linen expects to see it perfectly white. The linen was not white, and I examined it a little more closely, and I saw it was because it was not bleached. It was unbleached cotton. It was not dirty or soiled in any way.

Q. I believe you were on the Grand Jury at one time when a visit was made there, weren't you?

A. Yes; I was foreman of the Grand Jury.

Q. When was that?

A. Two terms ago, I think it was. It was from January to July, the last term.

Q. Did you visit the institution with the other Grand Jurymen?

A. Well, some member of the jury suggested that we make the visit to the institution, and so I wrote to the commissioners and asked for permission, and they said we could go any day except Saturday. We made our own day, and went down, I think, on a Wednesday.

Q. (By Mr. RILEY.) That is, you thought somebody down there should be indicted?

A. Sir?

Q. You thought somebody down there should be indicted?

A. No. A member of the jury simply said it was the right of the Grand Jury to know what was going on, and that we ought to see the institution.

Q. You suspected something?

A. Nobody said anything of that kind.

The CHAIRMAN.—Perhaps it would be well for Mr. Riley to wait until the direct examination is concluded.

Q. (By Mr. REED.) It was not you that suggested a visit, as Brother Riley insinuated by his remarks?

A. No, sir. I happened simply to know the Commissioners and said I felt sure we would have no difficulty in being admitted.

Q. Then his assumption that you thought somebody ought to be indicted was purely an assumption?

A. Most certainly. No member of the jury, so far as I know, had any idea of anything of the kind.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Tudor, you said that in the institution building there was no system of ventilation at all. Did that apply to the whole building?

A. Practically. I don't consider depending upon windows a system of ventilation.

Q. You don't consider that any system of ventilation at all?

A. No.

Q. Why not?

A. Because you cannot keep a movement of air without a supply. There has got to be a circulation—a supply and an exhaust at the same time; and the one equals the other.

Q. And opening windows would not be a substitute at all?

A. No; and especially not there, because the people there are a class who have a superstition against an open window.

Q. And does the number of the people in the building have something to do with it, also?

A. Yes.

Q. That is, some five or six hundred people in there would make a difference?

A. It would make a difference, and then the height of the stories makes another difference. The stories there are very low, so that the cubic space for each occupant is not sufficient.

Q. What becomes of the bad air down below?

A. I don't know.

Q. Does it go up?

A. It may go up, and it may go down.

Q. Well, it cannot go out?

A. No. It stays there and gets worse.

Q. And how long has this system of ventilation in the institution existed, or this lack of system?

A. Since it was built, I suppose.

Q. It is something that was only discovered by you when you went down there?

A. No. Before I was connected with the Architect's Department, or before I was employed to do this work, I knew it had been talked of.

Ald. LEE. — Which building are you talking about, Mr. Brandeis?

Mr. BRANDEIS. — The institution building, the building where the infirmary and the nursery are.

The WITNESS. — I know no physician could have lived in that building without feeling the need of ventilation in that building, and I am confident it has been felt ever since it has been built.

Q. What do you think of it as a place for young children who are kept indoors all winter?

A. I don't see how they live.

Q. You remember that place in the top of the building, do you, where the children and old women were?

A. Yes.

Q. Do you think that place was ventilated?

A. No, I don't.

Q. And do you think that was any better than the lower parts of the building?

A. I think it is doubtful. If they were in the lower part, there would be more air leak in than in the upper part. Of course, I know that they depended somewhat upon the windows, but if an official or nurse would open the window, they would not stay open, because the people do not realize the importance of fresh air, and are very much afraid of a draft.

Q. Do you think that the health of the people in the institution would depend upon the ventilation there?

A. I think the health of everybody depends upon ventilation.

Q. And there could not be reasonable health without it for those who remain in doors much?

A. Well, I would not say that for everybody. As far as ventilation is concerned, I think there is a great deal of difference in people. I think some people can exist perfectly well in foul air, and others cannot exist at all. I am one of those who cannot exist at all. If I was shut up in foul air I should suffer. On the other hand, there are people who live in it, and live to be old, and apparently are no worse.

Q. Now, this system of ventilation which you have prepared, and which has been accepted or approved by the City Architect — that is to make a radical difference in the ventilation of the institution building?

A. Oh, yes.

Q. So far as ventilation is concerned?

A. Oh, yes; it is a serious undertaking.

Q. And it will give the institution building as perfect a ventilation as you have provided for the hospital?

A. That is what I believe.

Q. Now, the system which you have prepared for the institution building differs from the system which is in use in the hospital building, as I understand it, in that that one requires the application of electric blowers, or fans, or whatever you call them?

A. Yes.

Q. Whereas this system which you have prepared for the institution building works through hot air?

A. Well, it works through the effect of heat upon the shafts — the hot shafts. It is what we call the heated shaft system.

Q. There is no application of force at one time and stopping of it at another?

A. Yes.

Q. And in that respect it is superior to the other building, the large building, you think?

- A. Yes, in that respect, but not in any other.
- Q. Well, this hospital system calls for an application of the electric fans. If they stop, your system of ventilation stops?
- A. Each stops, very largely, but not wholly.
- Q. And in order that it should work, the ventilators must also be open on the floor?
- A. Yes.
- Q. And they must be kept reasonably clean?
- A. Yes.
- Q. And if the fans are not working and the ventilators are not kept reasonably clean, there would not be, even with the system you would have provided, good ventilation there?
- A. No.
- Q. Are you familiar with Mr. Carlan A. Brown, who is an inspector for the Board of Health of the city of Boston?
- A. I am not sure that I know him.
- Q. Do you know of him and know his reputation?
- A. I cannot say that I do.
- Q. Has your attention been called to the testimony he gave?
- A. I never saw it or heard it.
- Q. Well, on page 326 of the record is a certain report which he made to the Board of Health on the condition of the sanitary arrangements at Long Island as he found them on that day. It is to this effect (reading):

To the Board of Health:

GENTLEMEN: I have this day inspected the premises at the hospital and institutions on Long Island, Ward 2, owned by city of Boston, and make the following report: The water-closets in the hospital, twelve in number, six for the females and six for the males, are of the short-hopper pattern with cistern and chain-pull attachment, and are located in five different parts of the building. These closets under favorable conditions, viz: sufficient water-supply and care by those using them, would give fair satisfaction; but owing to a break or stoppage in the water-main, they have been without water since the 26th inst., except what has been carried in pails from the institution some distance away.

MR. PROCTOR. — What was the date of that letter? You didn't give that?

MR. BRANDEIS. — Didn't I?

MR. PROCTOR. — I didn't hear it.

MR. BRANDEIS. — (Continuing to read.)

Consequently the surfaces of the hoppers have become dry and fecal matter adheres to them, so that it is much more difficult to keep them clean than when the surfaces are wet. To-day one of them is obstructed and nine are unclean and offensive. The urinals would be in better condition if there was a more generous supply of water. The sixteen water-closets in the institution are also of the hopper pattern with cistern and lever attachments operated by the doors. The closet-rooms are without local ventilation except the windows, and considerable bad odor was noticeable on that account. These closets are also without water, and the three located in the basement are in about the same condition as those spoken of in the hospital, viz.: unclean and offensive; the remainder were fairly clean. I have been informed by Dr. Jenks that there is a large cistern on the island having a capacity of 80,000 gallons, and that the water-boat will be at work to-morrow (Thursday) carrying water from Deer Island to fill it; this water will be pumped into the cisterns in both buildings and supply the water-closets and urinals; if this is done, most of the difficulty will be overcome until the water main is repaired. The remainder will be a matter of care.

(Signed) C. A. BROWN,

Inspector.

Did you happen to be down there at the time that Mr. Brown reported on any of your visits?

A. I cannot say. I know I was there at the time the water-supply was cut off.

Q. Well, at the time you were down there, did you make any inspection similar to the one that he made?

A. No; I simply heard it talked of, that the water-supply was cut off.

Q. Then you don't know whether, under the conditions that he describes, the sanitary arrangements were as he describes them?

A. I should say they must have been. I should think it was undoubtedly the true state of facts.

Mr. BRANDEIS.—I think that is all.

Q. (By Mr. REED.) One question, Mr. Tudor. Your judgment in regard to the plumbing and the sanitary condition of that institution was based, as I understand you, upon observations made at many times during the past three years, and not upon any one observation at the time that the water-supply was cut off by the breaking of the pipes?

A. I have observed them casually, just as any passer through the building would have done. My attention was not called to them; but I noticed them, because it was in my line of business to notice such things.

(By Mr. BRANDEIS.) I suppose it is also in your line of business to notice the length of time it usually takes to mend the breaks? How long a time is usually required to repair such breaks?

A. This is an unusual case, because, as I understand it, the mains were in the harbor, and at that time the ice was fourteen inches thick.

Q. Well, taking another time of the year, when there was no ice in the harbor. Take, for instance, such a time as September, October, or the early part of November, when the weather was fair.

A. Well, a break in a street main would be repaired within twenty-four hours; but that is an accessible break.

Q. Well, a break down the harbor—how long would be required to mend that?

A. Well, I should say that was a difficult case and would take longer.

Q. Well, how many days would naturally be required?

A. We will say at this season, without any ice?

Q. Well, I mean the season of September or October?

A. Well, if it was an ordinary pipe, I should think it might be repaired in three or four days. I don't know what they use. It may be some patent joint, to be used under water. I don't know how they had to repair it. The pipe being under water, it might be a very difficult case, and might take some time.

Q. Wouldn't you think it rather a long time if it should appear that it took five or six weeks to repair it? Does that seem to you rather a long time?

A. Well, perhaps it does. I would like to give an example that will illustrate a similar case. At the present time I am putting in a new system of heating and ventilation for the City Hospital building, and in putting steam on one of the mains, we broke one of the pipes. Well, that is right there in the street, comparatively handy to get at, and they have been six weeks repairing that break.

Q. Haven't they had any steam?

A. Well, that is true. We had means of getting steam, we had an extra pipe.

Q. Well, isn't there constantly breaks in the mains going over to Long Island—something that must be prepared for?

A. That is a matter that I don't know anything about. I don't know what kind of an arrangement they have, but I merely imagine that they must have some special fittings.

Q. Well, if they have frequent breaks, they should have means of repairing them within a reasonable time?

A. Well, that is reasonable.

Q. And if, with the frequency of the breaks, you found there was some period of five or six or seven weeks in which the main remained unrepaired, with great inconvenience to the people, and with great expense to the public, that would be something to excite comment, wouldn't it?

A. I should say it would.

Mr. Mr. BRANDEIS. — That is all.

Q. (By Mr. REED.) I don't suppose you know what the facilities of the Water Department of the city are for repairing these breaks going over to Long Island?

A. No, I don't know what that line is. I know that where pipes are laid under water they have two kinds of joints. One is made of solid lead pipe nearly an inch thick, which enables them to handle the iron pipes, so that they can float the whole thing down to the bottom — so that the pipes may bend without opening the joint. The other kind is where there is a spherical ground joint. They have to be cast and turned and fitted and put on. They are not kept in stock by any one.

Q. (By Mr. BRANDEIS.) Or they have to be kept in stock if a break was apt to be expected?

A. That could be done.

Q. (By Mr. REED.) Do you know whether or not the Water Department of this city is equipped with those appliances?

A. No, I don't know. Ordinary breaks they can repair very readily.

Q. But you have no knowledge of what facilities they have for this particular service to Long Island?

A. No, sir, I have not.

Q. Then, if this break in the temporary pipe, which supplied Long Island until the permanent pipe was laid, was not remedied for five or six weeks, you don't know whether it was owing to the lack of facilities provided by the Water Department for such repairs or not, do you?

A. No, I don't.

Q. I don't suppose you know whether, as a matter of fact, the break was repaired in three or four days, or whether it took five or six weeks?

A. No, I don't know anything about it. I was a little interested in it because it was in a collateral line of business to mine, and I asked what was going to be done, because at the time I was there the ice was fourteen inches thick, especially in the shallow water.

Q. (By Mr. BRANDEIS.) That was the break early in January?

A. Yes. I know it lasted quite a part of the winter.

Q. Did you know that that break, which occurred Sept. 25, 1893, was not repaired until Nov. 3, 1893?

A. No, I never heard of that.

Q. The one that Dr. Cogswell referred to?

A. No, I never heard of that.

Mr. REED. — How long was that, Mr. Brandeis?

Mr. BRANDEIS. — That would be thirty-nine days — between five and six weeks.

The CHAIRMAN. — Does any member of the committee desire to ask Mr. Tudor any questions? If not, that is all, Mr. Tudor.

DR. CHARLES H. COGSWELL. — *Recalled.*

Mr. REED. — Do you wish to ask Dr. Cogswell some further questions, Mr. Brandeis?

Mr. BRANDEIS. — Yes, sir.

Mr. REED. — Then, doctor, will you please take the stand?

Q. (By Mr. BRANDEIS.) Doctor, you have brought with you, I presume, those lists made by Mrs. Kinney of the articles required for the hospital?

A. Yes, sir, I have. (Producing two lists.)

Q. Do the lists bear any dates?

A. Yes, sir, they do — that is, one of them does.

Q. What was the date of the first one, doctor?

A. The date of the first was August 28, 1894.

Q. That was seven days after she got there, wasn't it?

A. Yes, sir; I think about that length of time.

Q. Yes, sir. And the second one — what is the date of that?

A. The second one does not bear any date at all, but as near as I can remember, it was about October 29 or 30.

Q. Yes. Did she make any other lists besides those two?

A. Not of this character that I remember of.

Q. The other lists were ordinary requisitions?

A. Yes, sir; ordinary requisitions from day to day.

Q. Will you allow me to see those?

A. Yes, sir; certainly. (Handing lists to Mr. Brandeis.)

Q. The first list reads:

LONG ISLAND, BOSTON, October 28, 1894.

To the Superintendent :

SIR: There is required for the use of the hospital room one Arnold's sterilizer.

Did you get that?

A. Yes, sir.

Q. You didn't have any before that time?

A. No, sir.

Q. One — what is that second word?

A. I don't know, sir.

Q. (Reading.) "One iodoform gauze." Did you get that?

A. Well, we had a stock of that on hand. That is something that we got every month or so. We were getting that right along.

Q. (Reading.) "A supply of absorbent cotton." Did you get that?

A. We got that right along once a month.

Q. Does the check on this indicate that you ordered it?

A. Well, I could not tell exactly what the check did indicate at this distance (Mr. Brandeis being about 10 feet away). Some of them mean one thing, and some another. Some mean that they were not to be ordered by her, and some that I thought they were needed, and some that I thought they were not needed and didn't get them. If I had the paper I could tell you just what was meant.

Q. Well, unfortunately, you and I could not have the lists at the same time. That is the trouble. (Walking over to where Dr. Cogswell was and showing him the list.) Now, there against the "iodoform gauze," you have a check. That would mean that you ordered it?

A. Yes, sir; that means that it was not for her to order. That is, that was ordered by the doctors, and we were getting that right straight along.

Q. (By Ald. LEE.) Did you ever have any before that?

A. We had it ever since I have been down there, and I presume they had it before.

Q. (By Mr. BRANDEIS.) Now, in regard to the supply of absorbent cotton?

A. That was ordered by the doctors right straight along.

Q. "A supply of cheese-cloth?"

A. That was just the same thing.

Q. Then I have "six glass jars, with mouths as large as jars; six glass covers, three tall, three flat."

A. The glass covers I didn't think we needed.

Q. That is crossed off, is it?

A. Yes, sir.

Q. You never got those?

A. No, sir.

Q. Then the next thing is: "two pairs dressings forceps."

A. Yes, sir; we got those.

Q. What are those used for?

A. For dressings forceps—for the purpose of handling anything that you may be using for dressing purposes; dressing wounds or sores or anything of that kind. We had four pair when I went there, but soon after I could not find but two; and so I ordered two more.

Q. One, wasn't it?

A. No, two; and so we ordered two more.

Q. Now, there is here next an order for "6 glass reels for sutures."

A. Crossed off. I didn't think we needed them.

Q. What are they?

A. They are glass reels, something like a spool, the reel being anything like catgut or silk, or anything that you may be going to use in a surgical operation, to keep them on hand.

Q. And then she ordered some "bottles or tubes for same," and you crossed that off.

A. Yes, sir; so long as we didn't have that.

Q. And the next is "catgut and 'gut' ligatures."

A. Yes, sir.

Q. You ordered that?

A. Yes, sir; that was ordered. I don't know whether we had any at that time or not, but I think we did. It is something that we order again and again.

Q. "Assorted sizes of surgeons' needles, straight and curved." Did you order that?

A. No, sir; we had some there.

Q. Well, "straight or curved"?

A. That is the same thing.

Q. Well, that is checked.

A. That was not for her to order. Those things that I have checked in that way were not for her to order under any circumstances.

Q. Does not that mean that you did order them?

A. No, sir; not necessarily.

Q. Well, some places it seems to mean that you did, and others that you didn't.

A. No, sir; not at all.

Q. What does it signify?

A. Those that were checked that way were not for her to order at all, whether it was best to have them or not.

Q. Then she asks for "1 hair pillow, 24 in. × 16 in," with rubber cover for it, for the operating room?

A. Yes, sir.

Q. Did you order that?

A. We had a straw pillow, but we thought a hair pillow might be better; and so we made it down there.

Q. Then she asks for some "flasks for sterilized water." Did you supply that?

A. No, sir.

Q. What would have been the cost of that?

A. An ordinary bottle would have done just as well. I didn't think it necessary to buy them when we had them on hand.

Q. You didn't buy it for her?

A. We never had occasion to use one before or since.

Q. Then there are rubber and glass "drainage tubes"?

A. We had rubber drainage tubes on hand, and we never had used any glass drainage tubes. If we had, I would have got them.

Q. Then she asks for "6 sheets adhesive plaster, 6 pillow-cases to fit pillow 24 by 16, 2 single blankets, 1 small clothes-hamper, and 2 porcelain trays for instruments." Did you order those?

A. Yes; sent over to the institution and got the most of them.

Q. Then, in the next list, she asks for "2 douche pans."

A. Well, I would like to explain this next list. After Mrs. Kinney had been there, I asked her if she would not for my own personal use make out a list of everything that she could think of in the hospital that we didn't have at that time, that in her experience she thought would better the hospital in any way, shape, or manner; and she brought in this list.

Q. Yes. Well, now, the list is as follows: "2 douche pans, zinc-lined receptacles for soiled clothes" — what is that next?

A. (Reading.) "Cart with rubber tires for transportation of food to remote wards."

Q. Yes. Then, "Bureau or closet in lying-in room; heavy rubber sheets" —

A. Heavier sheets. She thought those we had were not quite thick enough.

Q. Then, a "bowl, pitcher, etc., and washing-stand, for Mr. Morphy's room; sitting-room for nurses; sleeping-rooms away from the wards, and accessible bath-tubs for the same; hempen door-mat, side-door of corridor; rubber or hempen 'runner' through corridors; room for women in labor; two paid ward-maids to care for kitchen, female corridor, windows, floors, etc.; two paid nurses in each ward." Is that "each ward"?

A. Each ward; yes, sir.

Q. (Continuing.) "Four paid night-nurses, male and female; one paid nurse, lying-in room; a seamstress to do hospital mending; covered tin boxes for flax-seed meal; dining-room for convalescent women; dining-room for officers in hospital; skylight in male-ward kitchen; small medicine and" — what is the rest of that?

A. (Reading.) "Lotion closets in each ward."

Q. "Night-shirts for men; washable coats for male nurses; tables with drawers for patients; large tables with drawers for head nurses; whitening or painting of all hospital wards" — is that "wards"?

A. No — "walls."

Q. What is that next — "ample"?

A. No; "enough."

Q. "Enough paid help in all departments so that" — what is that?

A. "Illness or."

Q. (Continuing.) "So that illness or absence of one does not cripple all or some other department; scales in dispensary to weigh powders, so that nurses are not given medicine in bulk to guess at the amount ordered; furnishings for operating room, as per previous list" — that is the list that we have here?

A. Yes, sir.

Q. Then, "Twelve new mattresses for Ward C and lying-in room; six new mattresses for Ward E; new mattress for Ward D." What is that there (pointing)?

A. An interrogation mark. She didn't know whether there was any needed in there or not.

Q. She put a question mark against it — merely suggested that you investigate?

A. Yes, sir.

- Q. Now, Mrs. Kinney you deem to be a competent nurse?
- A. Yes, sir.
- Q. And an experienced one — one trained to her duties?
- A. To a certain extent; yes, sir.
- Q. Well, you mean experienced to a certain extent?
- A. In nursing; yes, sir.
- Q. And trained at the hospital here?
- A. Yes, sir; but not experienced as a head nurse in the hospital, because she had never acted as such.
- Q. On whose recommendation was she employed?
- A. Dr. Rowe's.
- Q. Anybody else?
- A. No, sir.
- Q. You accepted his recommendation of her?
- A. Yes, sir.
- Q. But you made inquiries concerning her from others, I suppose, didn't you?
- A. No, sir.
- Q. Well, after she left as head nurse, you were so satisfied with the plan of having a head nurse to the institution that you employed another in her place, didn't you?
- A. I always approved of a head nurse for the hospital.
- Q. I beg your pardon?
- A. I say I always approved of a head nurse for the hospital.
- Q. You have always approved of one?
- A. Yes, sir; certainly.
- Q. And this new nurse that you have is also a trained nurse?
- A. Yes, sir.
- Q. You approved, also, of a training-school for the nurses, didn't you?
- A. I mean, using that word in a liberal sense?
- Q. Under certain conditions; yes, sir.
- Q. Well, I mean that you approved of it for your own hospital?
- A. That is what I mean. Under certain conditions down there, I should.
- Q. Do you propose to have one down there?
- A. I hope to some day.
- Q. Well, what are the conditions that you refer to?
- A. Well, money.
- Q. What additional money will be required?
- A. It will take about — well, according to my plans it would take about \$12,000, \$12,000 to \$15,000, to start that; and then there would be an additional cost to the city of about \$3,000 a year afterwards.
- Q. Why is it going to cost \$12,000 to start it?
- A. Well, you have got to get some place to put them.
- Q. Isn't there any place there to put them?
- A. No, sir.
- Q. Haven't you rooms there?
- A. No, sir.
- Q. There are rooms in your own building, aren't there?
- A. Well —
- Q. How much of a room do you require in order to give instruction to the nurses?
- A. None; except one small room.
- Q. What rooms do you require, then?
- A. Some place to put the nurses.
- Q. That is all?
- A. Yes, sir.
- Q. Aren't you going to have some place to put the nurses down there, and haven't you now?
- A. Not enough to warrant what could be called a training-school.

We have room enough, and are going to have room enough, for the nurses that we expect at present to have under the present system of nursing down there, which calls for one paid nurse for each ward. We have made provision for those nurses, but for no others.

Q. That is, you have no room for nurses down there. Is there any difficulty in instructing the nurses whom you have there or having them instructed by the physicians?

A. No, sir.

Q. That could be done without any additional room, couldn't it?

A. Yes, sir, — true. That is done now.

Q. Are they subject to regular instruction?

A. No, sir; they are not.

Q. The only instruction they get is what they pick up by being told to do one thing or another?

A. Yes, sir.

Q. Isn't that something very different from a training-school such as they have at Tewksbury?

A. I don't know anything about the training-school at Tewksbury, or what their methods are, except from one of the nurses. I went to engage a nurse who came from there recently, and I asked her if she had a diploma from there. She said no, she didn't. I asked her if they didn't have a series of lectures down there, and she said no, they didn't.

Q. Doesn't the report each year make a report on a training-school down there? Doesn't the report of your friend, Dr. Howard, treat of it?

A. Well, I don't know what he means by that.

Q. Did you make any inquiries from him in regard to that?

A. No, sir.

Q. You know what the training school is at the Massachusetts General Hospital and at the City Hospital?

A. Yes, sir, I do.

Q. Is there any objection to giving instruction to those nurses that you have in the same way that they give it to those?

A. Those that we did have when I went there, I think, were practically as much trained nurses as the average trained nurse that they send out.

Q. Was Raymond a trained nurse?

A. Raymond?

Q. Yes, sir.

A. He was not there when I went there.

Q. No, I mean those that have been there since that time. Was he a trained nurse?

A. If you will bear in mind what I said, it was this, that the nurses that we had when I went there were practically trained nurses. Mr. Raymond came after I went there.

Q. Now, those that you employed after you got there were not trained nurses. For instance, Raymond was not trained?

A. No, sir, he wasn't.

Q. He would have been capable of improving by instruction, wouldn't he?

A. I think possibly he might.

Q. How was it with Boursé?

A. He was a graduate of Tewksbury. (Laughter.)

Q. Which department? (Laughter.) How was it with Hall?

A. Boursé was a graduate, so far as any one, of the training school down there.

Q. Didn't he leave before the training school was instituted?

A. I don't know, sir. If it was started when the report says — but I don't think the report says when it was started.

Q. Oh, yes, it does.

A. Now, if you will find that and tell me when it was, I will tell you whether Mr. Boursé came afterwards or before.

Q. Well, when did he come there? I will attend to looking that up later.

A. I think you had better turn to it now, if you can find it, because I have been trying to find it myself for some time, and I would like to know where it is.

Q. I remember reading it here.

A. Not when the school started, Mr. Brandeis.

Q. Yes; I remember reading from the report that they had started the school.

A. Yes; but it didn't give the date.

Q. No, not the specific date, but the year.

A. Well, he left Tewksbury, I think, some time in the latter part of 1892, or early in 1893.

Q. How was it with Hall? Was he capable of training?

A. Yes, sir, I think he was.

Q. He would have been improved by it?

A. Yes, sir, I think he would, but we never got a chance at him. He was on nights, and he slept day-times.

Q. Wasn't Finnerty one of the nurses? Wasn't he also capable of improvement by instruction?

A. I think he was in the same box with Hall.

Q. Well, he, perhaps, was hopeless, also. Now, you spoke in answer to some of my questions, of the special report of the Board of Visitors of 1892. I have not asked you yet about the report of the Board of Visitors, which was submitted April 30, 1894. You have read that report, I presume?

A. Yes, sir, I have.

Q. And on page 21 of that report the visitors say:

Under present arrangements, old and young, the infirm and the able-bodied, the decent poor and those whose poverty results from vice and crime, are brought together in one indiscriminate company.

That is true, isn't it?

A. The old and the infirm have a separate place by themselves.

Q. In which they can stay?

A. In which they can stay by themselves if they so desire. The young, and those that are brought down there either through their own agency or misfortune, are thrown in together.

Q. Then the statement that is made next is:

Except for the patients in the hospital, all the male inmates at Long Island live together and all fare alike, the infirmary wards being in no material way distinct from the rest of the institution.

That is correct, isn't it?

A. The living of all the men in the institution, that is, by "living" I mean the diet, is the same, whether old or young. The accommodations in their different wards are a little better for what we call the old men, or what we call the infirmary ward, than they are in the other dormitories. The old men have the privilege of staying in their own ward and lying down or going to bed at any time during the day that they choose. That privilege is denied to the young or able-bodied.

Q. How long have they had that privilege?

A. Ever since I have been there.

Q. And they have also been given arm-chairs, haven't they?

A. Yes, sir, they have.

Q. When was that done?

A. I could not give you the exact date. I am not sure, but I think it was —

Q. The early part of March of this year, wasn't it?

A. It was the early part of this year. I know I was sick when they came.

Q. It was the time that I was there.

A. I don't remember. If you saw them come, I guess it was.

Mr. PROCTOR. — Are you testifying, Mr. Brandeis?

Mr. BRANDEIS. — Well I saw the doctor, and I thought he might remember from that.

The WITNESS. — I don't remember whether it was that day or not.

Q. Do you remember that it was the day that Mr. Reed and Mr. Hallstram were down there?

A. I don't remember as to that.

Q. Then the statement that they make here that "decrepit old men, cripples, and sturdy loafers eat together in one dining-room, and lounge, and smoke, and play cards together in Loafers' Hall," is a correct statement?

A. Yes, sir, it is.

Q. Then the next statement is: "A weekly ration of tobacco is given to all." That is now subject to the change that you have made, that you give it as a compensation for taking a voluntary bath?

A. Yes, sir. That was true at the time it was written.

Q. (Reading:) — "All who desire are granted a pass once a month to the city." That is true?

A. No, sir. It is in a measure, but not entirely so. Within certain limitation, any one asking for a pass is granted it. There are certain rules governing that, but any one conforming to those rules can have a pass.

Q. And what are the rules?

A. They are granted on certain days — Mondays and Thursdays — and a man, unless there are some exceptional circumstances, is only granted a pass once a month.

Q. And they then say:

All are allowed to live in comparative idleness, coming and going at will. Thus the place has become a headquarters for the idle and desolute, who find here an easy refuge for the necessity to submit to discipline or to work for themselves or their families.

Q. That is true, isn't it?

A. It is to a certain extent; yes, sir. We get such work out of them as we can, and that is all.

Q. (Continuing to read:)

No regular work is provided, and if it were, it is claimed by those in authority that under existing laws it could not be enforced.

That I understand to be true?

A. Yes, sir.

Q. (Reading:)

The Superintendent, when he discharges for insubordination, constantly sees his authority set at naught, as the offender, upon application at the Commissioners' office, may receive a permit to return by the next boat.

That is true?

A. Yes, sir.

Q. Then the Board of Visitors, after going more fully into these matters, conclude with these recommendations. They are only six in number, and are:

1. That a record be kept stating as far as possible the facts known in regard to the character and history of each inmate.

Do you agree to that?

A. Yes, sir.

Q. (Reading:)

2. That the institution be organized into three departments: Work-house, Infirmary, and Hospital. In these departments the inmates could be classified as their bodily conditions require.

You agree to that?

A. I don't hardly agree to the Work-house Department on Long Island. That is not my view of the case, but I think that the people that come down there should be classified into the sick and the infirm and the able-bodied, and that the able-bodied should be made to work.

Q. And then the third is:

3. That in the Work-house Department the discipline be strict and work enforced.

That you agree with?

A. That I agree to fully.

Q. (Continuing to read:)

The food, though ample and good of its kind, should be very plain, and few indulgences should be allowed.

That you agree to?

A. Yes, sir.

Q. (Reading:)

Tobacco, if given at all, should be given only as a privilege.

That you agree to?

A. Yes, sir.

Q. And then the fourth is:

4. In the Infirmary Department many comforts not proper in the Work-house Department should be provided.

Do you agree to that?

A. Certainly.

Q. (Continuing to read:)

The effort should be not merely to keep the inmates from starvation, but to make their years of helplessness as endurable as may be, within the limits of a reasonable expense.

You agree to that?

A. Yes, sir. I think that the old men down there now are reasonably comfortable and well looked after.

Q. Then the fifth is:

5. That passes be abolished excepting in rare instances to some decent old person or cripple wanting to visit a friend.

Do you agree with that?

A. I don't agree with that—not under the present circumstances; no, sir.

Q. That is, if the law be as you understood it from the Commissioners, you wouldn't?

A. As it is interpreted now, that the city is obliged to support all these people whenever they call upon the city for support, that they can come down any time they wish, and that they can also call for their discharge whenever they want to, I think it is better to give them passes.

Q. But, according to the more recent opinion of Mr. Babson, the opinion to which I called your attention, in which he says that the city has ample power to enforce it; if that be the law, you would agree with them?

MR. REED. — That is hardly the opinion.

THE WITNESS. — I don't think that the Corporation Counsel's opinion covers this ground at all. Even under his opinion they could come and go at will as long as they did well while they were there. I may not understand it correctly, but that is the way I understand it — that he doesn't put any limitation upon their going or coming. It is simply —

Q. How would you like to have the law different from the interpretation which you understand to be given to it by the Commissioners?

A. Well, when I went on to New York to look into this matter, I went to the Commissioners of Correction and Charities, and they told me the way they did this. They told me that if a man came to them to go to the almshouse, and upon examination he proved sick or old and feeble, he was sent to the almshouse. If, in their opinion, he was able-bodied and able to work, they asked him if he didn't want to be committed to the work-house. If he wanted to be, they asked him how long he wanted to be committed for, and no commitments are made for less than thirty days, and from that up to six months. If he wants to be committed, he is committed at his own request, goes to the work-house, takes his chances there just the same as though he had been sentenced by the Court directly for some petty offence. If he doesn't choose to do that, they say to him: "All right; you get out of here;" and he gets out on to the street, and very soon he does something and is arrested by a policeman, and is taken into court, and is sent there, anyway. I think if we had a law something to that effect, that would enable us to do that, it would cover the trouble that we have down there. The people would be sent down for a certain length of time and could not go out — perhaps not to Long Island, but send them somewhere, wherever the warehouse was decided to be — at Deer Island, perhaps.

Q. That is, the able-bodied paupers that could work, you would treat with severe discipline and compel them to submit to continuous labor, or not to get redress from the city?

A. Yes, sir; that is my idea.

Q. Have you conferred with the Commissioners on this subject and suggested to them your ideas in regard to the laws that would cure some of the troubles that you pointed out to them?

A. Yes, sir; we have talked it over.

Q. Have they expressed any opinion on the subject?

A. Well, I think that it is my remembrance that they were in favor of some legislative enactment by which these things should be determined and we could know where we stood, and could compel these people to work.

Q. Did they state that they had considered the subject before it was called to their attention by you?

A. I don't remember, sir.

Q. Then the last suggestion made by the Board of Visitors is as follows:

6. That the standard of the hospital should be raised, both in medical attendance, in nursing, in the study of disease and in its cure.

That, also, you would approve of, do you not?

A. Certainly. That is what I went there for.

Q. Then every one of these recommendations made by the Board of Visitors in their final report of April 30, 1894, you approve of, with the limitation that in the matter of passes you think that the change would not be any benefit unless the law was different or differently interpreted from what you suppose it to be?

A. I think I do agree with them in the main in their conclusions in the second report.

Q. Well, you stated at the same time — I mean at the same time I inquired in regard to this — concerning the conclusions which they recommended in their report of June 30, 1892?

A. Yes, sir.

Q. I think you stated that you agreed with those.

A. Yes, sir, I did.

Q. Then all of the broad and fundamental recommendations which the Board of Visitors have made — both the first Board of Visitors appointed by the Mayor, and the second Board of Visitors appointed by the Mayor and the city — you approve of?

A. Yes, sir. I don't think there is anybody who don't agree with them.

Q. When Mrs. Evans came down to see you, or the first time she came down there after the second appointment by the Mayor and Council, she stated to you, did she not, that the lack of classification and enforced work she deemed to be the fundamental trouble with the institution, did she not?

A. I think she did.

Q. You don't remember whether she did or not?

A. I think she did. That is my remembrance of it.

Q. And did Dr. Putnam and the others also talk with you upon that subject?

A. No, sir; I don't think they did.

Q. Only Mrs. Evans?

A. She is the only one that I remember of, excepting Mr. Ring. One day he came down there — it was the day that District Chief Egan was there, and I was not going out-doors at that time — and he came up to my room to see me and asked how long I thought it would take me to classify the inmates in that institution as to the able-bodied and the sick and infirm. I told him I thought I could do it in two or three hours. That, perhaps, was a little too short time, but my idea was that it could be done in a very short time. That is the only conversation in regard to that that I have any distinct remembrance of; but I do think that Mrs. Evans talked with me about it at one time, but the exact conversation I don't remember.

Q. And you were at that time quite familiar with the report made by the first Board of Visitors in which this subject was treated of?

A. I think I was fairly well familiar with it.

Mr. BRANDEIS. — I think that is all.

Dr. COGSWELL. — I should like to make a few remarks on those lists there, if I might have them.

Mr. BRANDEIS. — Certainly.

Dr. COGSWELL. — As I said before, this list here, the second one, was gotten up by Mrs. Kinney for my own personal use, to see what she thought about the hospital, to see whether her ideas agreed with mine or not. Now, this list has been read over by Mr. Brandeis, and I would like to read it over myself and say what I have to say about the articles on it. It might give one the impression that all these things were something that we could have right away, and ought to have, and were especially needed at that time. This was to cover not especially this immediate time when it was given, but in future, when we had our new hospital completed. Of course,

in regard to the two douche pans, we had one or two already, but she thought there should be an addition, and so we purchased those. "Zinc-lined receptacle for soiled clothes." We had the receptacles, but the idea of lining them with zinc was that as a great many of them were moist, or with liquid on them, it would be easier to clean out the receptacle if it was lined with zinc. "Cart with rubber tires for transportation of food to remote wards." That is something that we will have when we get the hospital extension on, and that we don't need at the present time. "Bureau or closet in lying-in room." I didn't agree with her on that. I didn't think we needed it, and I should not get it. "Heavier rubber sheets for hospital beds." The sheet that we had was a light one, and we came to the conclusion that it would be cheaper in the end to buy a heavier material than the lighter weight that we had, because the liquid soaked through after awhile and rotted it, and got down on to the mattress. "Bowl, pitcher, etc., and washing-stand, for Mr. Morphy's room." Mr. Morphy had had the same accommodations for washing that I had used for a year and a half myself, and I thought he might be satisfied, the same as I was. I much preferred it; but I inquired and found he would like a bowl and pitcher, and so he got one. "Sitting-room for nurses." I have a sitting-room there now for all nurses and matrons and officers. We have also made preparation in our new extension for a sitting-room for nurses alone. "Sleeping-rooms away from wards, and accessible bath-tubs for same." That could not be done in our present buildings, or our contemplated buildings. The next is, "Hempen door-mat, side door of corridor," and the next, "rubber or hempen 'runner' through corridors." The rubber or hempen "runners" I suppose we will have when we get the money. If we get either, we won't want the hempen door mat; and I have been waiting to see which we will have. "Room for women in labor." That is all built and was at the time. When we get into the new hospital we will have it. "Two paid ward maids to care for kitchen, female corridor, windows, floors, etc." I don't think that those would be exactly needed when we expect to have a hundred able-bodied females there in a month or so. "Two paid nurses in each ward; four paid night nurses, male and female; one paid nurse, lying-in room." That is all that she considered would be necessary under any circumstances. My experience has taught me down there that one paid nurse for the patients that we have is sufficient to attend to all the wants of the patients. Not a patient suffers in any way, shape, or manner; and if we had any extra nurses, such as you would expect if we had a training school down there, it would be fully as much, if not more, for the benefit of the nurses whom we were training than it would be for the patients. Of course we would have, you might say, a better class of nursing than we would if we didn't have the training school and tried to get the nurses after they had been trained to a certain extent and paid them what they demanded. "Covered tin boxes for flax-seed meal." I got some ordinary wooden boxes, and I thought that they would do just as well. "Dining room for convalescent women." I didn't approve of that. I thought they had better be served at the bedside with all the rest of the patients. "Dining-room for officers in hospital." That we have all ready to use when we get the dining-room for the nurses in the hospital. "Skylight in male ward kitchen." That is, you might say, almost a physical impossibility with the construction of the building. "Small medicine and lotion closets in each ward." I crossed that because I didn't think we needed them, and I didn't approve of them. "Night-shirts for men." We have got those to a certain extent. All the men who are confined to their beds have night-shirts. "Washable coats for male nurses." That, I thought, was something to think over. I have not decided it yet. "Tables with drawers for patients." The difficulty with

drawers in tables that the patients use is that they everlastingly insist on tucking their food into these drawers, and it collects something down there that we are not particularly anxious to have. If they do not have any drawers you can see everything that they have got, and if they have food or anything lying around, why, you can take it away from them. "Large tables with drawers for head nurses." I don't think that is an absolute necessity, although it might be a little more convenient to have a drawer in the tables that the nurses have. "Whitening or painting of all hospital walls." That has always been in view after the hospital got done settling and the wall done cracking. "Enough paid help in all departments, so that illness or absence of one does not cripple all or some other department." That is a perfectly reasonable suggestion, and I think we have got it. Now, I come to something here — "Scales in dispensary to weigh powders, so that nurses are not given medicine in bulk to guess at the amount ordered." I wanted to speak about that more than any one, because Mr. Brandeis, from the questions which he asked of Dr. Fitz, I think it was, would give some people the impression that we didn't have any of those things down there. When this thing was written, we had scales in the dispensary. We have always had scales in the dispensary ever since I have been there for weighing these small powders. The only trouble with them at the time that this was written was that they all said that they were no good and would not work. I went in there and adjusted two or three little screws and shifted one of the scales over on to its pivot, and it has been working all right ever since. Then they gave the impression that we didn't have any weights to weigh with. We had a full complement of weights when I went there. We had a full complement of weights in the fall, to my personal knowledge. We had one, three, and five grain weights, and one 2-drachm weight, last spring after I recovered from my sickness. After Mrs. Kinney spoke about this I went out to see if they had the weights there then, and all I could find was a one and a two grain weight. Just as soon as I knew that, I purchased a full set of weights. "Furnishings for operating-room as per previous list." That has been spoken of before; and the "new mattresses" we are getting all the time.

The CHAIRMAN. — Has any one any other questions to ask Dr. Cogswell.

Q. (By Mr. REED.) I would like to ask the doctor who had charge of the room where those scales were?

A. Dr. Parker.

Q. (By Mr. BRANDEIS.) When did you get a new assistant down there, doctor, to put over Dr. Parker?

A. If I am not mistaken, it was last September.

Q. In September?

A. Yes, sir.

Q. And when was it that these weights were missing, and that you found them so?

A. Some time in November.

Q. It was before that, wasn't it?

A. Oh, yes — October. I was thinking of something else. It was in October that I noticed this.

Q. That rather came under your new superintendent?

A. Dr. Parker had charge of the dispensary just the same.

Q. Under your new assistant?

A. Under my new assistant, yes; and he complained of Dr. Parker several times, but of course you know how I was situated, and it didn't do much good.

Q. Doctor, there has been more or less talk by Mr. Reed, as well as myself, I think, about the number of rooms in your building. How many rooms are there — I mean in your administration building?

A. On the first floor there is a dining room, two offices, a dispensary, and a sleeping apartment.

Q. Yes.

A. And on the second floor there are seven rooms. On the third floor there are six rooms, or there were until recently, when I had one made into a double room; and that makes seven on the third floor.

Q. That is, nineteen rooms?

A. And in the basement there is a kitchen and a pantry and two more rooms with brick and stone walls. You might say such rooms as were intended for storerooms or anything of that kind. They are not rooms that could be occupied.

Q. How many rooms are occupied in this building by yourself and family?

A. Well, the best way to get at that is that I occupy the kitchen and pantry on the first floor, the dining-room on the second floor, and I have my office on the first floor—that might be called a room; and on the second floor I occupy six rooms. All the rest are occupied by others, outside of my family.

Q. That is, the third floor is occupied by others?

A. Yes, sir; and the second floor is occupied by one of the doctors. He has a room on the floor with me.

Q. He has one of the seven rooms?

A. Yes, sir.

Q. You have six there, and then he has the seventh?

A. Yes, sir.

Q. Then you have the first floor, that you use partly for your own private dwelling and partly as an office?

A. Yes, sir.

Q. You said that you have the same facilities, personally, for washing, that Mr. Morphy had before?

A. I said I had used the same facilities.

Q. Well, what are those facilities that you do use?

A. The hot and cold water faucets and the sink.

Q. In the hospital?

A. No, sir; in my bath room.

Q. Well, he doesn't use your bath-room, does he?

A. No, sir; but he has a hot and cold water faucet and sink, etc. It is the same as mine.

Q. It is out in the corridor, isn't it?

A. No, sir.

Q. In whose room is it?

A. It is not in any room at all.

Q. It is not any private place at all?

A. He could have used it if he liked. There is also a set bowl, which is much better than I have got.

Q. Where is that?

A. That is what you might call off the corridor.

Q. Not in his own room? In his bedroom he hasn't a set bowl, has he?

A. No, sir; he hasn't.

Q. Now, you have had all the facilities you want in the way of a bath-room and a toilet-set, and everything else, and you have a bowl and pitcher, haven't you?

A. I have a bowl and pitcher; yes, sir.

Q. Then it wasn't unreasonable that he should have it?

A. No, sir. I didn't know he didn't have it.

Q. Wasn't that brought up here 8 months ago, that he didn't have a proper place to wash in?

A. It might have been. I don't remember. I know that I didn't know whether he had one or not.

The CHAIRMAN. — That is all, doctor.

Mr. RILEY. — I should like to ask the doctor some questions, Mr. Chairman.

The CHAIRMAN. — Very well.

Q. (By Mr. RILEY.) While testifying the other night, you slandered a lady. Do you wish to retract that now?

A. If I remember correctly, I simply said that this thing had been reported to me. I knew nothing about it. I knew nothing about the character of the lady in question one way or the other. The only thing I want to say is this, that it is the only thing I have said since I have been on the witness stand that I regret, or that, after mature consideration, I should in any way take back. I don't know as I could take back that, as it was merely a report of what was reported to me; but I would like to say this, that if I had stopped a moment to consider I would have thrown up the case here before I would have mentioned her name or any other woman's.

Q. I thought it was due to you, as well as anybody else, to give you a chance to retract. You didn't believe the report that was brought to you then, did you, and you don't believe it now, do you?

A. (Hesitating.) Well, she might have been mistaken. She might have been. The woman who reported it to me might have been mistaken; certainly.

Q. That is getting far away from my question. It is very simple. The question is too simple to get away from. Did you believe it then, or do you believe it now?

A. Why, certainly; I believed it then, and I believe it now, because —

Q. No, I don't care about the "because." You have answered my question.

A. I will say this —

Mr. RILEY. — If you please, no, sir. You will answer my question.

Mr. PROCTOR. — Go right on, doctor, and don't mind him.

Mr. RILEY. — No, if you please; stop right here where you are.

The WITNESS. — If you will let me —

Mr. RILEY. — No, sir; you answer my questions.

The WITNESS. — If you will let me answer your question —

Mr. RILEY. — No, sir; you can explain after I get through.

The WITNESS. — You will be a great deal —

Mr. RILEY. — No, no; you can make your explanations afterwards.

The WITNESS. — (Continuing) — better pleased than you are if I —

Mr. RILEY. — No; you cannot explain now.

The WITNESS. — (Continuing) — should go on with my explanation.

Mr. REED. — You cannot bulldoze him, Mr. Riley.

Mr. RILEY. — I don't care about any of your slang; and I will not put up with him. I want an answer to my question.

Ald. LEE. — Well, repeat the question. Let the stenographer read the question.

Mr. RILEY. — No, sir; I don't ask anybody's aid. The question is: Did you believe it when it was reported to you?

Mr. PROCTOR. — Now, let him answer it.

Mr. RILEY. — Oh, I will not put up with any of your interference.

Mr. REED. — Yes, you will.

Mr. RILEY. — No, I won't.

Mr. REED. — Well, try it on.

Mr. RILEY. — I am trying it now.

Mr. REED. — I guess you will find that you cannot frighten us.

Mr. RILEY. — Oh, I can teach a parrot to say what you are saying.

Ald. LEE. — Well, what was the first question?

Mr. RILEY. — I have asked the witness a very simple question, and I must have an answer.

Ald. LEE. — Well, what was the first question? If I am called on to rule in regard to a question, I want to know what it is.

Mr. PROCTOR. — Well, he started to answer the question, and Mr. Riley wouldn't let him.

Mr. RILEY. — Why, it doesn't require any talent to be a rowdy.

Mr. PROCTOR. — You ought to know.

Mr. RILEY. — How could I help it, being with you so long?

Mr. PROCTOR. — Well, you ought to know without any help from me.

By direction of the Chairman, the stenographer read the following :

Q. (By Mr. RILEY.) While testifying the other night, you slandered a lady. Do you wish to retract that now?

A. If I remember correctly, I simply said that this thing had been reported to me. I knew nothing about it. I knew nothing about the character of the lady in question one way or the other. The only thing I want to say is this, that it is the only thing I have said since I have been on the witness stand that I regret, or that, after mature consideration, I should in any way take back. I don't know as I could take back that, as it was merely a report of what was reported to me; but I would like to say this, that if I had stopped a moment to consider I would have thrown up the case here before I would have mentioned her name or any other woman's.

Q. I thought it was due to you, as well as anybody else, to give you a chance to retract. You didn't believe the report that was brought to you, then, did you, and you don't believe it now, do you?

Mr. PROCTOR. — Mr. Chairman, I think Dr. Cogswell refused to give that name.

Mr. RILEY. — Dr. Cogswell is all right, if you leave him alone. His answer was all that could be desired.

Mr. PROCTOR. — Well, that is all right then.

Mr. RILEY. — But I will insist on the yes or no to my question, and allow the explanation to come afterwards.

(The committee consulted Dr. Cogswell's former testimony on the subject.)

Mr. PROCTOR. — Mr. Chairman —

Mr. RILEY. — Oh, no, no. I asked him a question and I demand an answer.

Mr. PROCTOR. — I will not be bulldozed. I claim my right to be heard.

Mr. RILEY. — I know — your whole life is a claim; but most of it is a false claim.

Mr. PROCTOR. — Probably that is very funny.

Mr. RILEY. — Yes; to the lookers-on.

Mr. PROCTOR. — Well, I can assure you that it is just as funny to me as it is to them.

Mr. RILEY. — Now, I will go on with the examination.

Mr. PROCTOR. — Well, pardon me; I addressed the Chair.

The CHAIRMAN. — Well, once more I will ask the stenographer to read Mr. Riley's two questions and the answer to the first.

The stenographer read the part referred to, as follows :

(By Mr. RILEY.) While testifying the other night, you slandered a lady. Do you wish to retract now?

A. If I remember correctly, I simply said that this thing had been reported to me. I knew nothing about it. I knew nothing about the character of the lady in question one way or the other. The only thing I want to say is this, that it is the only thing I have said since I have been on the witness stand that I regret, or that, after mature consideration, I should in any way take back. I don't know as I could take back that, as it was merely a report of what was reported to me; but I would like to say this, that if I

had stopped a moment to consider, I would have thrown up the case here before I would have mentioned her name or any other woman's.

Q. I thought it was due to you, as well as anybody else, to give you a chance to retract. You didn't believe the report that was brought to you then, did you, and you don't believe it now, do you?

Mr. PROCTOR. — Well, why shouldn't he be allowed to answer the question in his own way, as long as it is responsive?

Mr. RILEY. — No, sir. You can get all the explanation out of him that he is willing to give you when you take him in hand, but not now. Any question capable of an answer by yes or no must be answered in that way; because I regard those two words, "yes" and "no," as the legs of the English language, without which it cannot stand.

Mr. PROCTOR. — Well, I guess it is off its legs. (Laughter.)

Mr. RILEY. — It is when you handle it.

Mr. PROCTOR. — Mr. Chairman, I don't think any such rule should be applied here.

Mr. RILEY. — Of course you don't.

Mr. PROCTOR. — I think the witness, who is a gentleman, and who is conducting himself as such, should be allowed to answer the question in a way that seems to him correct, as long as it is responsive to the question.

Q. (By Mr. RILEY.) Now, did you then believe that to be true, and do you believe it now? Will you answer that, doctor, if you please, by simply saying "yes" or "no"?

A. I cannot.

Q. Well, you say you cannot?

A. No, sir; I cannot.

Q. Well, of course you just now occupy so easy a position that perhaps you don't want to.

A. I am perfectly willing to answer the question, and it would not take a very long time to answer it.

Q. No; I don't like that way at all. You will pardon me.

A. Certainly. You are very pardonable; but—

Q. There is no "but" about it. If I cannot get an answer by you saying simply "yes" or "no," I won't take any. You refuse to answer, do you?

A. No, sir; I don't.

Q. You say you cannot answer it by saying yes or no?

A. I don't think I can.

Q. Why? Are you afraid to say either one or the other?

A. No, sir; I am not.

Q. Well, why don't you say yes or no?

A. Well—

Q. Now, doctor—

A. I will explain to you.

Q. Well, before you answer that, I want to show you why you should. You either believed what was told you or you didn't. Am I right?

Ald. LEE. — You mean to ask him in regard to what Mrs. Whitney said?

Mr. RILEY. — He believed it or he didn't.

Ald. LEE. — Well, who was it? Who is it that you are talking about?

Mr. RILEY. — I think you must know what my question is.

Ald. LEE. — Well, sometimes I don't believe I am on the earth when you are around.

Mr. RILEY. — Well, you happened to be on it last Tuesday night — although it was a narrow escape. (Laughter.)

Ald. LEE. — Not quite so narrow as my independent friend. (Laughter.)

Mr. RILEY. — Independence is a bad thing.

Ald. FOTTLER. — Especially in politics.

Q. (By Mr. RILEY.) Now, doctor, you believed what you heard, or you didn't?

A. Mrs. Dacey might have had a perfect right to be in the room.

Mr. RILEY. — No, answer my question — yes or no.

Ald. LEE. — Now, Mr. Chairman, it seems to me that we have gone on in this way long enough. I want to say that if there is any one thing that I regret during this whole investigation it is the dragging of that lady's name in here, dragging her through the mud, and smirching her good name and character. Any man who knows Mrs. Dacey knows that she is as honest a woman as ever lived on earth. Now, Mr. Riley is dragging her name in here again, and I don't believe in it. I object to any further examination upon that point. Let the committee determine as to the truth of that statement from the testimony which is now before them. It may be that Mrs. Whitney may have said so to Dr. Cogswell to injure her. It may be that there was some other motive. It may be that that motive was against McCaffrey. It may be that; but, Mr. Chairman, in the name of God, don't again drag that honest woman's name in the mud here, as it has been dragged in before; and I am going to ask before this investigation closes that that may be stricken from these records. It is unfair to the lady, who is not here to answer for herself; and I feel satisfied and know that Mr. Riley don't desire it. He don't want it. Dr. Cogswell says he cannot answer the question as it has been put to him by Mr. Riley, and that he wants to explain. Now, if there is any explanation to make, let us go into executive session and keep it out of the records here. Now, Mr. Chairman, I believe enough has been said about that question. When we come to consider these things, we will take it into consideration and give it whatever weight we think it is entitled to. I trust that Mr. Riley will not press that question and again have that good woman's name dragged in here and placed in these records any more.

Mr. RILEY. — Shake not thy gory locks at me, but rather at the witness.

Q. (By Mr. RILEY.) Mr. Witness, haven't you observed, haven't you all along understood, that I didn't mention any lady's name? Will you answer?

A. I haven't observed either one way or the other.

Q. Did I mention any lady's name since I began to examine you?

A. I don't think you did.

Q. Why did you repeat the lady's name here and add insult to injury?

A. If I didn't repeat the lady's name, Mr. Riley, the explanation that I gave might have applied to anybody.

Q. You thought you were doing a manly thing to repeat the name, did you?

A. Why, certainly, if I am going to explain anything —

Q. You have answered the question.

A. (Continuing) — I must tell who it refers to.

Q. You have answered it. Now, then, did you believe what was told you in reference to that lady?

A. Certainly I did.

Q. You did?

A. Certainly.

Q. That is enough. You have answered my question, and I will leave you just where you leave yourself, so far as this examination is concerned.

A. Well —

Mr. RILEY. — No, sir; you cannot explain now. You will have to explain later.

Ald. LEE. — I am going to ask him to explain now. Explain what you wish to, doctor.

Mr. RILEY. — Why, he said he believed it to be true.

Ald. LEE. — Well, he wanted to give an explanation. Let him do it.

Mr. RILEY. — That can easily be done when I get through with him.

Ald. LEE. — Well, I ask that question now.

Mr. RILEY. — Of course, if the committee so vote.

Ald. LEE. — Well, I ask that privilege as a member of this committee.

Mr. RILEY. — But still, I have enough to do to contend with the lawyers on the other side, without having any addition to their number.

Ald. LEE. — Now, I want to ask him to make that explanation; and I don't want you to mention the lady's name.

The CHAIRMAN. — The Chair will accord the Alderman that privilege.

The WITNESS. — I believed it because there was not any reason why I should disbelieve it. I never looked into the matter, and there wasn't any reason why under certain circumstances she should not have had a perfect right to go in there. We don't know whether she went in there and stayed over two minutes or not. If she was on night work there was no reason why she shouldn't go in and consult Mr. McCaffrey if anything happened.

Q. (By Ald. LEE.) He was your assistant?

A. Yes; and she might have gone in to consult him.

Q. (By Mr. RILEY.) Now, the Alderman's conduct is all right, and it leads me to take another step in the same direction. Who gave you the information?

(No response.)

Q. You look at me, but you don't answer.

A. No; I have got done giving names. (Laughter and applause.)

Q. But you did give the name the other night?

A. Yes; and you picked me up for repeating it to-night.

Q. No — you gave another name the other night, did you not?

A. In regard to what?

Q. Didn't you mention the name of another woman?

A. No, sir.

Q. Did you hear another woman's name mentioned?

Q. Yes, sir.

Q. What was the name you heard mentioned?

A. No, sir.

Q. What was the name you heard mentioned?

A. I am not going to answer that.

Q. Oh, you must.

A. Oh, no.

Q. Oh, yes.

A. Oh, no.

Q. Well, if you run this investigation, all right; but we will determine that right now.

A. All right.

Q. Will you answer?

A. No, sir.

Q. Why?

A. Because I don't think it is right. I don't think it is right giving her name.

Q. I know, but the other name is the name of a lady as pure and chaste as any that ever entered under your roof. The one I am speaking about now is a woman of another sort, as you know.

A. I don't, sir.

Q. What?

A. I don't.

Q. Was it a woman who gave you the information?

A. It seems to me you are drifting a little, Mr. Riley.

Q. It seems to me that you are. Was it a woman that gave you the information?

A. That gave me the information on what?

Q. It seems to me that you have got to the point where you are not going to run the thing.

A. Now, Mr. Riley, there is where you and I differ. I never tried to.

The CHAIRMAN. — Haven't we got that information in the proceedings, Mr. Riley?

Mr. RILEY. — Why it is only to lead up to something else.

Q. (By Mr. RILEY.) Why are you keeping back the other name?

A. I am not.

Q. Will you give it?

A. No, sir.

Q. Then you are keeping it back?

A. No, sir.

Q. What are you doing?

A. I gave it.

Q. What is it?

A. If you will look in the records, you will see.

Q. Was it a woman from Deer Island?

(No response.)

Q. What is the trouble, doctor?

A. Nothing.

Q. Why don't you answer?

A. Because I don't propose to.

Q. Why didn't you say you didn't propose to answer?

A. I said so before.

Q. Was it anybody in your employ?

(No response.)

Q. Doctor, what is the trouble with you?

A. I was just going to shift my leg up there, so as to rest it on the rung of the chair. (Laughter.)

Q. You are shifting all over?

A. Not a bit.

Mr. PROCTOR. — The trouble is you have been trying to pull his other leg, Mr. Riley. (Laughter.)

Q. (By Mr. RILEY.) Doctor, was it a woman who told you?

A. Now, there is no use talking. You might as well know it now. I will not answer any of those questions.

Q. Oh, you must.

A. Oh, no.

Q. Or else I will ask the committee to strike out all of your testimony, even to the long statement which you made.

A. Perhaps they wouldn't do it if you asked them.

Mr. RILEY. — Perhaps you know about it; but I doubt it.

The CHAIRMAN. — Doctor, such questions as it is proper for you to answer the committee will be pleased if you will answer; and the committee will try to protect you from questions which it is not proper to answer.

The WITNESS. — Well, my ground is this, that he got up here —

The CHAIRMAN. — Well, that we don't care to argue. The last question, I think, that Mr. Riley asked you was if your informer was an employee of yours. Wasn't that your last question?

Mr. RILEY. — Yes, sir.

The CHAIRMAN. — That seems to me to be a proper question, and one to be answered without mentioning any names. Will you answer that question, whether or not your informer was in your employ?

The WITNESS. — Now, the informer on what?

Q. (By Mr. RILEY.) Do you lack intelligence in that respect?

A. Well, I should like to be a little clear on that point.

Q. What do you think I have been asking you?

A. Just what I say. You said we wouldn't mention any names, and therefore we have got to get at it in a roundabout manner.

Q. What do you think the subject-matter was? Don't you know?

A. Not since you asked another question. You see, according to my idea, you have drifted off of one subject, and now we have got on to something else. I may be mistaken.

Q. Your idea is not a sound one, not a good one.

A. Then you will have to explain it to me, so that it may be sound.

Q. Why, I asked you in regard to your belief of a certain statement, and you said you believed it. I then asked you for the name of the party who informed you and gave you the information, and you refused to give that. Now, then, my question is: Was that party in your employ?

A. If I remember correctly, you asked me about some lady going into his room.

Q. Was that person in your employ?

A. I think he asked me about some other lady going into his room, Mr. Chairman.

Q. I must have an answer. Was that person in your employ?

A. If you mean —

Q. I must have an answer to that question. Was the person who gave you the information in your employ?

A. Do you mean by "information" —

Q. Well, now, if you please; yes or no. Was that person in your employ?

A. Well, Mr. Chairman, just a moment.

Mr. RILEY. — No, you are trying your old tricks, but they won't do. I insist upon an answer, or else you must refuse to go on at all.

The CHAIRMAN. — It seems plain to the Chair that the question under discussion is, that in your former testimony you made some remarks in relation to a woman; and the question that Mr. Riley puts to you is whether the information that you gained was given to you by a person in your employ?

Mr. PROCTOR. — Does the Chairman presume to answer the question of the witness before the witness asks it?

The CHAIRMAN. — Well, the Chair is trying to explain the question that Mr. Riley put to him in hopes that it won't be necessary to drag in here the name of an innocent person.

Mr. PROCTOR. — But I understood the witness to appeal to the Chair with some question; and I had assumed that that was a proper thing to do.

The CHAIRMAN. — If the witness cannot understand now, with the explanation made by the Chair, the Chair is willing to answer any question from the witness.

Mr. PROCTOR. — I knew you would be.

Q. (By Mr. RILEY.) Now, was that person in your employ — yes or no?

A. I think, if I understand the chairman correctly, he has allowed me to ask him a question.

The CHAIRMAN. — You may.

The WITNESS. — If I am to understand by the word "information" that that word refers to a circumstance which I said that a certain party reported to me as having occurred within her knowledge some time last year in relation to two employees on Long Island whose names have been mentioned together by me at a recent hearing — you see, there are a good many things —

Mr. RILEY. — (Interrupting.) Why don't you ask the question of the chairman and be done with it.

The WITNESS. — I have.

The CHAIRMAN. — Go on, Mr. Witness.

Mr. PROCTOR. — Go on, doctor.

The CHAIRMAN. — I think the witness understands the question, from the question which he asks.

Mr. RILEY. — I didn't understand what he asked you.

The WITNESS. — On that ground —

Mr. RILEY. — No, if you please — I don't care to have your explanation.

The WITNESS. — (Continuing.) — the word "information" resting that way —

Mr. RILEY. — No, no, this is not the time to give an explanation.

The WITNESS. — (Continuing.) — I say that the information was given to me by an employee.

Mr. RILEY. — No, sir — you must answer the question or refuse to do so.

The WITNESS. — Why, I was answering it.

Mr. RILEY. — No, sir; you cannot do it in that way. I don't care about your reasons at all. I want yes or no. Was your informer in the employ of the city at the time — yes or no?

The WITNESS. — Now, at which time?

Ald. LEE. — Now, you ought to be fair with this witness.

Mr. RILEY. — This witness is not going to escape me. I am going to have an answer to my questions.

Ald. LEE. — Well, we are all going to get it, and not drag anybody in the mire, either.

Mr. RILEY. — Well, he is going to answer me by yes or no.

Ald. LEE. — But he says that he cannot do it that way.

Mr. RILEY. — Well, he must.

Ald. LEE. — Well, now, Mr. Chairman, I think I have set here and allowed this thing to go on long enough, and so I will try to aid him.

Mr. RILEY. — Take care that you don't aid him in dragging anybody in the mire.

Ald. LEE. — Now, Mr. Chairman, I am not dragging anybody in the mire.

Mr. RILEY. — No; I didn't say you were. I say, take care that you don't.

Ald. LEE. — Well, I will do what I think just right as a member of this committee, no matter what you say, Mr. Riley. (Applause.) You cannot drive me one inch. Now, Mr. Chairman, the bullying that the witness has been receiving from the hands of Mr. Riley is unfair and unjust; and I am somewhat surprised, Mr. Chairman, that we as a committee, and you as chairman, have sat here and allowed it to go on so long. Why don't you ask him if this person who told him that a certain nurse was seen coming from an employee's room was a matron there? That is fair. I don't know what Mr. Riley is trying to get out of the witness, but if he wants to get something out of him that is proper and to lead him up to something else, why, all right; but I won't sit here and allow him to cast any reflections upon me as a member of this committee. I have stood it quite long enough, and I am not going to stand it again. I say again that I don't care any more for Mr. Riley than I do for anybody else who walks into this room. Now, I will ask the privilege of asking the witness a question as a member of this committee. I want to ask you if you testified here that you were informed by one of your assistants down there that some one of your officers was seen going into a nurse's room?

The WITNESS. — No, sir — that the nurse was seen coming out of the employee's room.

Q. (By Ald. LEE.) Now, let me ask you if it was one of the matrons then down there that gave you that information?

A. It was.

Ald. LEE. — That settles it, Mr. Chairman.

Mr. RILEY. — The trouble is that you have been up pretty early and late dancing with another man that I could name.

The CHAIRMAN. — Mr. Riley, will you go on?

Ald. LEE. — Well, I will say this for him, that he is the one man who can trip the "light fantastic" and do the "terpsichorean act" better than anybody that I know in Boston.

Mr. RILEY. — But he tripped up Tuesday.

Ald. LEE. — Well, Mr. Chairman, many a good man has been tripped up; and I have no doubt that before my friend Riley dies he may be tripped up a couple of times.

Mr. RILEY. — I will never do it dancing.

The CHAIRMAN. — Proceed, Mr. Riley.

Q. (By Mr. RILEY. — Now, did you say to the Alderman just now that all you heard about it was that a lady was seen coming out of Mr. McCaffrey's room? Is that what you said?

Mr. PROCTOR. — I think a reference to the stenographer's notes would show exactly what he did say.

Mr. RILEY. — Oh, I don't care much about the reference. I must get at things in my own way.

Q. How do you put it now in regard to what you heard?

A. That a nurse was seen coming out of an officer's room.

Q. Was that what you testified to the other night?

A. Yes, sir.

Q. Are you sure?

A. Yes, sir.

Q. You have no doubt about it?

A. No, sir.

Q. Well, will you listen now to the reading of the printed report?

A. Yes, sir.

Q. You were asked if your opinion of Mr. McCaffrey was good, and you said it was up to a certain time. You were then asked what changed your opinion, and you spoke about the sending of some choice vegetables to somebody and their not reaching their destination. You remember that, don't you?

A. Yes, sir.

Q. You were then asked if there was anything else, and you said yes. Now, here is the question: "Q. Anything else?" And here is your answer: "Yes. I heard that he used to have one of the nurses in his own room until 12 or 1 o'clock in the morning." That is your whole answer. Is it right?

A. No, sir; it is not.

Q. Do you now swear that it is not set down here as you gave it?

A. If I said that, that wasn't —

Q. Do you swear that you didn't say it?

A. No, sir; I will not swear that I didn't say it.

Q. Do you admit that you did?

A. No, sir; I don't.

Q. Do you deny that you said it?

A. No, sir; I don't.

Q. Do you desire to alter this statement here?

A. I wish to say —

Q. Do you now desire to alter this statement?

A. I don't know what it is.

Q. Why I just read it to you. (Reading:) "Yes. I heard that he used to have one of the nurses in his room until 12 or 1 o'clock in the morning."

A. If I said that, it is not what I heard.

Q. Don't you know whether you said it or not?

A. No, sir; I don't.

Q. Well, most of us who stood by say that you did say it, and the stenographer and the printed report says so. Then, the fact is, that it is not true? Isn't that so?

A. No, sir.

Q. Is this answer that I read true.

A. No, sir; it is not true.

Q. Then, it is false, isn't it?

A. It—

Q. Then, it is false, isn't it?

A. Not necessarily.

Q. Why, a thing that is not true must necessarily be false, must it not?

A. It may convey a wrong impression. It was not the impression that I wished to convey in any way, shape, or manner.

Q. In this answer of yours there is not an English word of more than two syllables. A ten-year-old child could understand it. You admit it is not true now; do you not?

A. Well, let me see that, Mr. Riley.

Q. Certainly; with pleasure. (Showing copy of hearing to witness.)

A. (After reading answer.) Well, that is not so.

Q. Then this answer of yours is wrong?

A. Yes, sir; it is not the impression that I intended to convey.

Mr. RILEY. — He says this answer is wrong.

Ald. LEE. — Well, let us get it correct. I am glad to hear it.

Mr. RILEY. — Your last week's dissipation has demoralized more than you.

The CHAIRMAN. — Proceed, Mr. RILEY.

Q. (By Mr. RILEY.) Now, the person who gave you the information was a person who came from Deer Island?

A. No, sir.

Q. Well, now, as you refuse to mention names, I will begin. Wasn't it a Mrs. Whitney?

A. It was.

Q. Was Mrs. Whitney on Deer Island when you were there?

A. She was.

Q. She was a convict?

A. She was arrested and sent there, I suppose, for some purpose or other.

Q. She was a convict?

A. She was on Deer Island as a prisoner.

Q. And she had been there several times, hadn't she?

A. She had.

Q. Serving several sentences?

A. Yes, at various times.

Q. And when you left Deer Island to go to Long Island, did she go there, too?

A. When I went to Long Island—

Q. Did she go from Deer Island to Long Island?

A. No, sir; and she had not been on Deer Island for nearly three years.

Q. When did you go to Long Island?

A. In 1893.

Q. Yes.

A. She had been on Galloup's.

Q. I am trying to prevent you from galloping in your testimony. When did she go to Galloup's Island?

A. I don't know.

Q. Was it in 1893?

A. Oh, no; she had been there about two years.

Q. Did she get to Long Island after you got there?

A. She did; yes, sir.

Q. In what capacity?

A. As cook.

Q. Whose cook?

A. The institution's.

Q. Then she was known to you?

A. She was.

Q. And at that time you had known all about her record?

A. I had.

Q. You had a fair idea of her vices and her virtues?

A. I had; and I thought her virtues were better than her vices.

Q. Well, I didn't ask you what you thought, because some people think too much and some too little. With a full knowledge of her record, you were willing to have her as an employee under you?

A. I was. I had had her for nearly three years.

Q. Now, my mind does not work quickly, and I cannot grasp large problems. I want to take the thing simply. You were willing to believe the statement she brought to you in respect to the other employees of the city, were you?

A. I was.

Q. And you had her as a sort of a watch or spy on McCaffrey?

A. I didn't.

Q. Well, you knew that she was acting as such in a way?

A. I didn't.

Q. Well, you knew that she brought you stories in regard to McCaffrey?

A. She didn't until after he left.

Q. I didn't ask you whether it was before or afterwards. I simply asked you for facts.

A. I am giving you facts.

Q. You see, doctor, you are too adroit for me. She brought you stories about McCaffrey, didn't she?

A. A story.

Q. And that story involved the good name of a woman, didn't it?

A. Not necessarily.

Q. Didn't you think that it might cast reflections upon the good name of a decent woman, or at least add nothing to her reputation, to say that she had been in the room of a man who was not her husband as late as 12 o'clock or as early as 1 o'clock — an hour after midnight?

A. I think Mr. McCaffrey has testified here that they used to come to him and wake him up when they had trouble in those wards.

Q. I am not asking you that. Didn't you think that might be a reflection upon the lady's good name? Now didn't you?

A. It might, certainly.

Q. Now, then, you see it was a two-edged sword. If it reflected upon her good name, it must also have reflected upon the man. You understand me, don't you?

A. Yes, sir.

Q. And so you thought it was a reflection upon both?

A. It might and might not be.

Q. Now, if you didn't believe that then, you intentionally did the lady a grievous wrong the other night by mentioning her name?

A. I didn't intentionally do her a wrong.

Ald. LEE. — The Chairman made him answer that question.

Mr. RILEY. — Oh, no, you couldn't make me do a thing that I thought was wrong.

Mr. BRANDEIS. — It is as much a wrong on the man as the woman. He was a married man.

Q. (By Mr. RILEY.) The Chairman didn't bring out this answer:

"Yes. I heard that he used to have one of the nurses in his room until twelve or one o'clock in the morning." That flowed from your lips voluntarily, don't you remember?

A. Yes, I do.

Q. The Chairman didn't bring that out?

A. No, he didn't.

Q. Now, then, the only nurse you had in mind at the time you uttered that was the lady whose name you gave subsequently?

A. Now, Mr. Chairman, I have got done answering questions on this matter, and that is all there is to it.

Mr. RILEY. — I should think you might. That is, you have got to a position where you want to keep quiet.

The WITNESS. — I have got to a position where I think I will keep quiet, Mr. Riley; yes, sir.

Q. Mr. RILEY. — Well, I don't blame you. If you wish to leave it there, of course I cannot help it.

Q. (By Ald. LEE.) Now, just a minute. It says here: "Yes. I heard that he used to have one of the nurses in his room until 12 or 1 o'clock in the morning." You say that is not correct?

A. That was not the way that I intended to put it.

Q. How do you want that put?

A. That it was reported to me that one of the nurses was seen to come out of his room between 12 and 1 o'clock in the morning.

Mr. RILEY. — And he afterwards gave the name of the lady.

Ald. LEE. — Mr. Brandeis demanded it, and the Chairman said that he ruled that the question should be answered. I didn't suppose that he would answer it. If I had, you would have heard my gentle voice.

Mr. RILEY. — That was long after he had given this answer.

Ald. LEE. — I know; but it takes a pretty level-headed fellow to stand up and allow both you lawyers to ask all the questions you can think of.

Mr. RILEY. — I wasn't asking him any questions when he said that.

Ald. LEE. — Well, Brandeis was; and he lays it over you ten points.

Mr. RILEY. — But he was only trying to bring out the truth.

Ald. LEE. — Well, as I say, if I had known he was going to answer it, you would have heard my gentle voice.

Mr. BRANDEIS. — Wouldn't you have objected to his slandering Mr. McCaffrey, as well as any one else?

Ald. LEE. — Who?

Mr. BRANDEIS. — This witness.

Ald. LEE. — Well, you know a man can stand it a great deal better than a woman.

Mr. LINCOLN. — Well, he is a married man, and has got a wife. I wish you would ask the witness why he said that. I would like to ask you —

Ald. LEE. — Now, don't try to get me to testify anything about McCaffrey, because I won't do it.

Mr. LINCOLN. — No; but I want to ask him a question, why he didn't —

The CHAIRMAN. — This is wholly irregular. Will Mr. Riley please proceed?

Q. (By Mr. RILEY.) Before being on Long Island, you had been on Deer Island many years and in the employ of the city?

A. I had.

Q. And were you at Deer Island during the cholera scare of 1892?

A. I was.

Q. You were then the Health Officer, were you?

A. I was.

Q. And do you remember being on board the "Vigilant" for the purpose of inspecting the baggage of immigrants as they arrived?

- A. No, sir; we never inspected their baggage.
- Q. What?
- A. We never inspected the baggage.
- Q. Who looked after the passengers on the European vessels as they reach our port here?
- A. I did, or my assistant.
- Q. In what way?
- A. We used to inspect the passengers; and perhaps what you have reference to in regard to the baggage is that we inspected the passenger list to see where they came from, and at that time if they came from any suspicious port we took their baggage and disinfected it.
- Q. Where did you take the baggage to?
- A. Galloup's Island.
- Q. What?
- A. Galloup's Island,
- Q. Well, you took it from the vessel?
- A. Certainly; yes, sir.
- Q. And where did you put it before getting to the island?
- A. On the "Vigilant."
- Q. That is what I asked you.
- A. No, sir.
- Q. Well, that is what I was trying to ask you anyhow. You had to help you remove this baggage some prisoners, did you not?
- A. I don't know sir.
- Q. Well, if you don't know, who does?
- A. I presume likely enough that we might have.
- Q. That is, you took from the island some prisoners, put them on board of the "Vigilant" and had them take the baggage from the vessel on board the "Vigilant," and then to the island. Am I right?
- A. I think undoubtedly we did. It would have been perfectly safe to have had them do it.
- Q. To have what?
- A. To have them handle the baggage.
- Q. Why did you anticipate me?
- A. I thought you might possibly leave it out.
- Q. No; but you make me think of the saying that the guilty flee when no man pursueth.
- A. Not a bit.
- Q. Then the prisoners did handle the baggage of the immigrants, didn't they?
- A. I know that they did at certain times. I don't know whether they did on the "Vigilant" or not.
- Q. That was during the cholera scare?
- A. Yes, sir.
- Q. And then these prisoners were sent back to the prison, I presume?
- A. I presume so.
- Q. And they were allowed to mingle freely with the other prisoners, were they not?
- A. Yes, sir.
- Q. Well, wouldn't that be one way of spreading the cholera?
- A. No, sir.
- Q. Why not?
- A. Because they didn't handle any of the clothing.
- Q. Was any of the clothing infected?
- A. That was supposed to be infected.
- Q. Who did handle it?
- A. The employees on the island and myself.
- Q. Well, inasmuch as you had the prisoners to handle the baggage, do you mean to say that you didn't get them to handle the clothing?

A. No, sir.

Q. Take the case of a valise, that, when opened, contained infected clothing; why wouldn't the valise be infected, also?

A. It isn't the nature of the germ of the disease.

Q. Why?

A. I couldn't tell you why. Why does the sun rise?

(Laughter.)

Q. Well, that is my point. I believe the sun doesn't rise.

(Laughter.)

A. It sets.

Q. I don't think it sets, either. I think it is the earth that moves.

A. Well, why does the earth move, then?

Q. Well, take the case of infected clothing coming from a European country, and the valise being also from a European country. Now, why might not the valise be infected, as well as the clothing?

A. Well, simply because the cholera germ would not or does not stick to anything of that nature.

Q. Of what nature?

A. Of a valise or trunk — anything that is dry.

Q. Why, it will stick to woollen or cotton clothing, will it not?

A. Yes; but the clothing is not on the outside of the valise — not generally. (Laughter.)

Q. What?

A. I say the clothing is not generally on the outside of the valise.

Q. What you mean to say is that the germ will not stick to the leather.

A. I mean that anything that is dry and exposed to the air for any length of time, the cholera germ would not be there.

Q. I know, but it would be on the inside?

A. That is just what I say; and they didn't handle that.

Q. Who opened the valises?

A. I opened them, or the employees at Galloup's. A great many times we didn't open the baggage at all.

Q. You mean to say that you allowed the prisoners to carry the baggage, but that you or those under you opened it?

A. Yes, sir.

Q. And that you took good care that the prisoners should not touch the clothing?

A. As far as I was there. Of course, I can only answer for the time when I was present.

Q. But if your employees were to open the packages and inspect the clothing, pray tell me why you needed the prisoners to carry the packages?

A. Why, I might not hesitate about opening a trunk or a large box that weighed two or three hundred pounds; but I would hesitate about carrying that same thing.

Q. I know, but you had the employees of the city to carry it?

A. Not on the boat; no, sir.

Q. You didn't?

A. No, sir; and as far as that is concerned, all the employees that were on the boat took hold and helped to handle the baggage and to carry it.

Q. At all events, you did have the prisoners carry the baggage, and they afterwards went in and mingled with the other prisoners?

A. Yes, sir.

Q. And it didn't trouble you at all?

A. No, sir; it didn't.

Q. Now, while you were on Deer Island — I think it was during the years 1890 and 1891 — was the gas cut off?

A. Well, I couldn't say as to the date, but the gas was cut off while I was there.

- Q. For how long a time?
A. I couldn't tell you.
Q. Well, for a month?
A. No, sir; I don't think so.
Q. For weeks?
A. I would not want to say; but it was more than a week.
Q. And during that time lamps were used in all the departments?
Is that so?
A. I couldn't say as to that.
Q. What did you use?
A. I used lamps or candles.
Q. Now, what was the trouble?
A. I don't know, sir. I think there was some trouble with the retort, but as to that I couldn't say.
Q. That is, the retorts would not supply the institution?
A. I think they were building them down there; but you know I was not so very conversant with that matter.
Q. No, but you complained of the thing at the time, if my information is correct.
A. Well, my remembrance is that I didn't. I don't think that I complained any more than a man naturally would kick at a thing of that kind.
Q. Well, you don't know any reason why that should have happened unless it was due to the parsimony of the management?
A. Well, I would not want to say as to that. There are others that will be probably more conversant with that subject than I am.
Q. I only wanted to get at the fact.
A. The fact is that we were without gas. As I remember, the retort burned out, and they went to work and fixed it up as soon as they could. I think they went at it right away.
Q. Now, in regard to the dealing with the burial of the dead. Isn't it true that the paupers and the prisoners were buried together?
A. I don't know, sir.
Q. And in trenches?
A. I don't know, sir.
A. Don't you know anything about that?
A. No, sir, I don't.
Q. Wasn't your attention called to the dead at all?
A. Not enough to tell whether the paupers and prisoners were buried together or not. I couldn't say.
Q. Well, quite enough to satisfy you that they were buried in batches; isn't that so?
A. My impression is that there were quite a number buried at one time. I never saw them bury anybody down there.
Q. How many dead bodies did you see at a time there?
A. I couldn't tell you that. They have a receiving-tomb there, and I have seen quite a number in there at one time.
Q. Well, you knew that they used to keep those bodies a long time?
A. Why, certainly; yes, sir.
Q. Why was that?
A. I suppose so that there friends could come and claim them.
Q. Did you limit that to five days?
A. No, sir; that was on Long Island.
Q. On Long Island you keep them five days?
A. No, sir; we bury them.
Q. But they used to keep them for two months on Deer Island, didn't they?
A. I couldn't tell you.
Q. Well, for a long time?
A. Well, I don't know anything about their burials on Deer Island.

The only thing that I know is that one time I saw them digging a large grave in which they said they were going to bury some bodies.

Q. Well, it was a trench?

A. About seven feet square.

Q. They tumbled the bodies in?

A. I don't know anything about it.

Q. Who did the digging?

A. The prisoners.

Q. Did you notice whether they were smoking?

A. No, sir, I didn't.

Q. Were there any religious services?

A. I don't know. They were digging—they were not burying them.

Q. Do you know whether they held any religious services over the dead?

A. No, sir, my impression is that they used once in a while to have a service there at the island; but I am not familiar enough with it to swear as to it.

Q. While you were at the island, what did the discipline appear to be—all right?

A. No, sir, it didn't—not at one time.

Q. What time?

A. Well, I think it was along in 1891,—the summer of 1891. I shouldn't want to swear to that.

Q. Were you reported for insubordination?

A. I don't think that I was.

Q. Any complaint made against you?

A. In regard to what?

Q. Anything?

A. Yes, sir, there was.

Q. Who made it?

A. Mr. Gerrish.

Q. To whom?

A. To the Commissioners of Public Institutions.

Q. When was that?

A. I think it was in 1889 or 1890.

Q. Well, that was for insubordination, wasn't it?

A. No, sir, it was not.

Q. What was it for?

A. I contended that I had a perfect right to have any one come on the island to see me that I wanted to without his permission, and he contended that I didn't.

Q. When did the insubordination begin?

A. It was not insubordination.

Q. No, no—passing from your case to the case of the officers; when did that begin, so far as you could learn or could see?

A. Well, it was one summer—I don't remember whether it was 1891 or 1892.

Q. About a year before you left there?

A. I should say it was about a year and a half.

Q. Now, what was the cause of it?

A. Well, I laid it to trouble in the Commissioners' office, myself.

Q. But, so far as the island was concerned, who appeared to be to blame?

A. Well, it seemed to me that some of the officers down there were to blame.

Q. Who were they?

A. One lesson is enough, Mr. Riley. (Laughter.)

Q. Well, any of the officers who are down there now?

A. No, sir.

- Q. You thought some of the officers were to blame?
- A. Yes, sir.
- Q. And were you there during what is called the "Base-ball riot" of 1891?
- A. I never heard it called the "base-ball riot," but I was there.
- Q. Well, the club riot?
- A. Well, I was there at a riot.
- Q. That was in October, 1891. Do you know whether the rioters were punished?
- A. Yes, sir; they were, I think.
- Q. Do you know anything about it?
- A. Yes, sir; they were. There were a great many of them locked up in their cells. I remember that because we used to visit them.
- Q. Do you know what started that riot?
- A. No, sir, I don't.
- Q. You know nothing about that?
- A. No, sir.
- Q. Now, what was the custom of the physician in regard to visiting the House of Reformation Hospital? How often did he go there?
- A. Well, every day when there was anybody there; but a good part of the time there was not anybody there.
- Q. Who used to go?
- A. Sometimes Dr. Roche went, sometimes Dr. Schwab, sometimes Dr. Griffin, sometimes myself, and any of the doctors.
- Q. Well, the rule was to visit the place once a day?
- A. Yes, sir.
- Q. That was the rule, wasn't it?
- A. Yes, sir.
- Q. There is no doubt about that?
- A. That was the custom. I don't know as there was any rule about it?
- Q. Well, the custom was once a day — call it rule or custom or anything that you like —
- The CHAIRMAN. — The committee will now adjourn until to-morrow evening at half-past seven.

Adjourned at 10.30 P.M., to meet on Friday, December 14, at 7.30 P.M.

FIFTY-FIRST HEARING.

FRIDAY, December 14, 1894.

The hearing was resumed at 7.30 o'clock P.M., Chairman HALLSTRAM presiding.

CHARLES H. COGSWELL, M.D. — *Resumed.*

Q. (By Mr. RILEY.) Doctor, speaking of the burial of the dead, will you describe the trenches?

A. Whereabouts?

Q. At Deer Island.

A. As near as I can remember what I saw, in digging one afternoon a man told me they were going to bury. The hole that I saw was about, I should say, perhaps seven feet square, or seven by ten, and a couple of feet deep at that time.

Q. Now, those trenches are up on a part of the island called Money Hill, aren't they?

A. No, sir.

Q. What is the name?

A. I don't think it has any name.

A. Let us see — Money Bluff?

A. No, sir; it isn't on that part of the island.

Q. Well, on a sort of a hill?

A. It is a little mound.

Q. And the trenches are about seven feet wide and about fifteen feet in length, aren't they?

A. I couldn't say. I say I thought they were about seven by ten, possibly. I couldn't give you any exact figures upon that, because I didn't measure them, and had no means of measuring.

Q. And it is close to the place where they buried the hogs at the time of the epidemic some years ago?

A. I don't know, sir.

Q. Do you know where the hogs were buried?

A. No, sir; I don't.

Q. Were you down there at the time of that epidemic?

A. I don't think so. I don't remember anything about it.

Q. You spoke about services over the dead now and then. Generally it was when an officer died there that they had services, wasn't it?

A. That wasn't what I was talking about. I was talking about inmates at the time and prisoners. What I said had reference to prisoners.

Q. Well, wasn't that only when the relatives of the deceased went down there and insisted on having services?

A. I don't know, sir.

Q. You don't know?

A. No. I only just remember it in a general way. It was some years ago.

Q. You remember the boy James Hanrahan, don't you?

A. No, sir — well, if you give me some particulars they might recall it to my mind; no, sir.

Q. The House of Reformation boy who was so badly punished?

A. No, sir; I don't.

Q. Do you remember examining and looking at the body of a boy who was punished by some of the officers in the House of Reformation?

A. No, sir; I do not.

Q. You have no memory at all of that case?

A. No, sir; I don't think I ever did.

Q. Did you say in your testimony some little time ago that the inmates on Long Island were supplied with about a pound of meat a day?

A. I don't remember of ever having said anything of the kind.

Q. What did you say with reference to that?

A. I don't think I have ever mentioned here how much meat the inmates have.

Q. Didn't you say something about the quantity of food they received?

A. Yes, sir, I did. I said that in three months' time they had received in the neighborhood of 200 pounds of solid food.

Q. Yes. You didn't say anything about the kind of meat they received every day?

A. I didn't specify; no, sir.

Q. And you didn't mean to have the committee understand that they received on the average about a pound of meat a day?

A. No, sir; because it is not intended they should.

Q. No, probably not half a pound?

A. Yes, sir; they do.

Q. About that?

A. On the days that they get meat I think they average a half a pound of meat — perhaps not quite so much as that.

Q. Now, you have about 630 inmates there, have you not?

A. No, sir.

Q. How many?

A. Oh, all told, about 612 — no. Well, let it go at 612.

Q. The figures I get are 630.

A. If I remember correctly, I wouldn't want to be absolute, but I think it was 622 inmates yesterday.

Q. And you had 630 last week I understand. Now, you also had on Long Island 130 prisoners from Deer Island during last week, didn't you?

A. No, sir, I did not.

Q. How many did you have?

A. About fifty-four.

Q. You have had as many as 130 over there, haven't you?

A. I have had, I think, 168. At that time I had about 400 inmates.

Q. And last week you had fifty-four prisoners from Deer Island?

A. Between fifty and sixty.

Q. Who orders them over?

A. I don't know, sir.

Q. Have you anything to do with it?

A. No, sir.

Q. You simply board them while they are there?

A. I say I had nothing to do with it excepting that I signify how many men I would like; that is all.

Q. Then you tell them how many prisoners you want brought over?

A. Yes, sir.

Q. Why do you do that?

A. Because it is left to my judgment how many we need.

Q. Well, don't you know, as a citizen of our Commonwealth, that persons sent down to Deer Island on specified sentences are sent by the Courts, and sent there for crime: to be sure trivial crimes, but still for crime? You know that, don't you?

A. I know that they are sent to Deer Island for petty offences.

Q. Yes, and that the sentence is to be served on Deer Island. You know that also, don't you?

A. No, sir, I don't.

Q. You think that when a person is sentenced, for instance, to six months' imprisonment at Deer Island, that a part of that imprisonment is to be undergone at Long Island?

A. I don't know anything about it, Mr. Riley.

Q. Well, but you have the intelligence of the ordinary citizen, haven't you?

A. Well, it is fair to presume so.

Q. Well, you know you have, and we know you have more. Now, do you think you have any right to keep on Long Island prisoners sentenced to Deer Island? Do you really think that?

A. I don't know anything about it, Mr. Riley. I am not a lawyer, and if it wasn't right I don't suppose it would be done.

Q. Well, many things not right are done, and will be done, I am afraid. What I want to know is why you should have prisoners on Long Island and what you are doing with them?

A. Well, we are getting a good deal of work out of them?

Q. Yes, but the Courts didn't send them to you?

A. I don't know anything about why they are sent there, as to the right or legality of it in any way, shape, or manner.

Q. Well, who sends them there?

A. I couldn't tell you whether the superintendent or the Commissioners. I presume like enough the Commissioners, and I think it is a fact that the Commissioners, tell the superintendent of Deer Island to send the prisoners over to Long Island.

Q. By whom do you send your orders when you want prisoners?

A. I simply tell the officer who has charge of them on Long Island that we either want so many more or so many less from day to day.

Q. Yes, and he brings them over in the morning?

A. Yes, sir.

Q. And they are sent back at night?

A. Yes, sir.

Q. And while they are on Long Island they are boarded in the institution there?

A. Yes, sir.

Q. And in the same hall with the paupers?

A. They are not boarded with the paupers, but they are boarded in the same hall that the paupers eat in; yes, sir.

Q. Eat at the same tables?

A. That have been used by the paupers; yes, sir.

Q. Yes, and served with the same food and same dishes?

A. Yes, sir.

Q. In other words, they are brought in contact with the paupers?

A. To a certain extent; yes.

Q. What do you mean by qualifying it in that way? I am brought in contact with you now, you might say, to a certain extent, but it is extent enough. They are brought in contact with the paupers. Now, that is true, isn't it?

A. Why, they are brought in contact with the paupers more or less; yes.

Q. Now, do you really think that it is right to have the unfortunate poor who have committed no crime thrown in contact with prisoners who have committed crime?

A. Well, I have often thought of that, and it seems to me that there is very little trouble likely to arise from it, because I fail to see where, if a man comes down to us as a pauper and stays a month or two and goes up town and gets arrested and sent over to Deer Island and then comes back the next day as a prisoner at work, I don't see why he contaminated the paupers any more when he comes as a prisoner from Deer Island than he would if he was a pauper on Long Island.

Q. Yes, but don't you see, doctor, as an intelligent man, that you are

begging the question? Do you mean to tell this committee that all the paupers on Long Island are persons who at other times have been on Deer Island as convicts?

A. No, sir, I do not.

Q. Then you have a great many innocent people on Long Island, haven't you?

A. We have more that are not, and we have got a good many that are.

Q. Answer my question.

A. I did, didn't I, I say, we have a good many that are.

Q. Now, that isn't an answer to my question. You try to mix matters and I try to keep them apart. Haven't you a great many innocent paupers on Long Island?

A. Certainly, I think we have.

Q. Yes. Why should they be thrown in contact with prisoners on Deer Island?

A. I don't think that they necessarily are thrown in contact with them.

Q. No, I think that they are unnecessarily thrown in contact with them. Why should that be so?

A. I can't see any harm in it, Mr. Riley.

Q. You think that your judgment is wiser than the judgment of the law, do you?

A. Of the what?

Q. Of the law,

A. I don't know what the law is in that respect.

Q. Well, you know the law sent those parties down to Deer Island, don't you?

A. Yes, sir.

Q. You know that under our law here and under the working of our charity system, the innocent paupers were sent down to Long Island? You know that, don't you?

A. Yes, sir.

Q. And you know the obvious intent was to keep the two parts apart?

A. I don't think so.

Q. You think the intent of our law, and the intent of our charitable institutions, is to throw criminals and paupers together?

A. No, sir.

Q. Well, but isn't that what you have been doing?

A. The —

Q. No, isn't that what you have been doing?

A. Not to any harmful extent, I don't think.

Q. Well, you qualify that. You say you don't think it is to any harmful extent, but harm or no harm, that is what you have been doing, isn't it?

A. As I have stated here two or three times, Mr. Riley, the paupers and the prisoners are together more or less.

Q. Yes, I say — Now, how long has that been going on.

A. Ever since I have been there.

Q. That is, ever since you have been on Long Island the prisoners have been brought over there and thrown in contact with paupers?

A. Well, I perhaps should not have said "ever since," because in the winter months they were not sent there, but from early in the spring until early in the winter, they are.

Q. Yes. With few exceptions it is going on all the time?

A. Yes, sir.

Q. And notwithstanding the disclosures made in this investigation it is going on now to as great an extent as ever?

A. Yes, sir.

Q. In other words, no attention has been paid to the disclosures made here.

A. I don't think there has. Of course, if they thought they had been doing wrong, I presume they would have stopped long ago. And if they thought they were doing right this investigation would not stop them from doing what they thought was right.

Q. Now, one other thing. You remember speaking the other night about sending up three bodies for anatomical purposes. You remember that incident, don't you?

A. Yes, sir.

Q. Now, before sending a body to town for that purpose, what have you to do?

A. I, under ordinary circumstances, whenever there is a body that can be used for anatomical purposes, send a notification to that effect to the Commissioners of Public Institutions.

Q. Then what do you get?

A. We get a letter to send them up.

Q. Well, you get a permit from some source or other, don't you?

A. I have got nothing to do with that, the getting of the permit.

Q. Well, who has?

A. The secretary of the Board.

Q. The secretary of the Board gets a permit?

A. Yes, sir.

Q. From the Board of Health?

A. As I understand it.

Q. Well, who orders you to send the body up?

A. The secretary of the Board.

Q. And does he enclose the permit to you?

A. No, sir.

Q. Does he notify you that the permit has been granted by the Board of Health?

A. No, sir.

Q. Well, you remember the sending up of Cuddy's body, don't you?

A. Yes, sir.

Q. The other night you said three bodies were sent up at that time?

A. Yes, sir.

Q. The second body was that of Wallace?

A. Yes, sir.

Q. And the third body was that of a woman named McCarthy?

A. Yes, sir.

Q. You mean to say, do you, that the secretary of the Board of Health told you to send up three bodies?

A. No, sir.

Q. I mean of the Commissioners?

A. Yes, sir.

Q. He told you to send up the three bodies. Those three?

A. No, sir. I would like to explain that.

Q. No, there is plenty of time for explanation, but don't get me confused whatever else you may do. He sent you a notice to send up three bodies, did he?

A. That is what I took it to be.

Q. Well, the notice was in writing?

A. Yes, sir.

Q. And it was in English?

A. Yes, sir.

Q. So that there wasn't much chance to misconstrue it?

A. There was, or I shouldn't have misconstrued it.

Q. Well, but we will see whether there was any cause for that mis-construction if you will produce the notice. Have you got the notice?

A. Yes, sir.

Q. Where is it?

A. It is at Long Island.

Q. Very well, you can produce it at any time?

A. Yes, sir; I presume so.

Q. It is on the files of course. What does it say?

A. As near as I remember it, it says, the purport of it was, "I shall send for the bodies of Alexander Wallace, Edward Cuddy and Mary McCarthy to-morrow."

Q. Who signed that?

A. General Donohoe.

Q. General Donohoe; very well. Was that the only notification you got?

A. Yes, sir.

Q. Now, your solemn oath is, that in response to that written notification, specifying the three bodies, giving the names of each, that in response to that you sent up those three bodies?

A. Yes, sir.

Q. If you should find that the notification called but for two bodies, what would you say?

A. I know it doesn't.

Q. No, but if you should find that, what would you say then?

A. Why, it isn't a supposable case.

Q. Yes, it is. Oh, I have known more extreme things supposable — oh, my, yes! What would you say then?

A. If the notice called for but two?

Q. Yes. What would you say?

A. I shouldn't say anything.

Q. But you would have to give some explanation as to the sending up of the third body, wouldn't you? Now, wouldn't you?

A. If it called for but two and I sent three I certainly should have to give some reason for sending up the third body.

Q. Yes. Well, now, we happen to know, or we think we know, that it called for but two.

A. Yes; you thought you knew a good many things, but you have found out you didn't.

The CHAIRMAN. — The witness will please answer Mr. Riley's question.

Q. Mr. RILEY. — That is what makes us wiser. Now, if you please.

A. I know, Mr. Riley, that it called for three.

Q. What?

A. I know that it called for three.

Q. Do you think that if you should inspect the books of the Board of Health you should find permits for three bodies?

A. I don't know anything about that, you know.

Q. You were connected with the Board of Health some time they tell me, weren't you?

A. I was; yes, sir.

Q. You know something about the way they do business up there, don't you?

A. Not to any great extent; no, sir.

Q. Well, you know enough about the Board of Health to know that its records are kept correctly, don't you?

A. With the possibility of human error — that is all. Any man is liable to err.

Q. Now, when you are called upon to send up a body for the purpose designated you send it up in a box, don't you?

A. Yes, sir — in a coffin.

Q. You sent Cuddy's body in a box?

A. In a coffin.

Q. Will you tell the committee why you sent Mary McCarthy's body in a barrel?

A. I didn't.

Q. What?

A. I didn't send her body in a barrel.

Q. You said so the other night, didn't you?

A. No, sir.

Q. What did you send it in?

A. In a coffin.

Q. Sent up three coffins that day, did you?

A. Yes, sir.

Q. You remember of speaking of the sudden return of the dead body, don't you? You remember testifying to that the other night?

A. No, sir; I didn't testify to it.

Q. Didn't you say that her body was sent back?

A. No, sir.

Q. What did you say?

A. I said I remembered there was some trouble about Mary McCarthy.

Q. Yes.

A. But what it was I didn't remember. I think Dr. Parker might have volunteered to you some information which, as usual, was incorrect.

Q. Who might?

A. Dr. Parker. I saw him talking with you over there.

Q. I know, but you see you think a little too much at times. Didn't you say the other night that Mary McCarthy's body was brought back?

A. I don't think that I did.

Q. Didn't you say that her friends got information of her death; that they sent to the island for it, and then you telephoned to have the body sent back?

A. I don't think that I did; no, sir.

Q. Will you swear you didn't?

A. I wouldn't swear I didn't; no, sir.

Q. Then I am right in my statement — isn't that so?

A. If I testified absolutely — which I don't think I did — that such was the case, I looked the matter up since and it wasn't so. At the time I didn't think it was so, and if my memory serves me correctly I did not testify absolutely as to the occurrence, because I wasn't sure whether it was this McCarthy or another McCarthy; but I know that there was something about this McCarthy in some way — we had some trouble over her body also.

Q. You say that the three bodies were sent up to General Donohoe, don't you?

A. Yes, sir.

Q. And do you say that in your judgment he received the three bodies?

A. Yes, sir.

Q. If General Donohoe should say he received but two what should you then say?

A. I should still say that I sent the three bodies up on the Bradlee on a notification from him that he would send for them.

Q. Yes. And do you remember having conversation with Dr. Parker soon after the bodies were sent up in which you said this in substance: "Doctor, a great mistake has been made — the body of Mary McCarthy was sent up to town, put in a barrel, meant for the Emergency Hospital, and now the relatives of Mary McCarthy have applied for the body, and now how can I get it back?" Do you remember that conversation?

A. No, sir, I don't.

Q. Do you say you didn't talk to Dr. Parker about that body?

A. Yes, sir — oh, no, no; I wouldn't say I hadn't talked with him about the body.

Q. What did you say about the body?

A. I don't remember what I said. I am very positive of one thing, though, that I never said to him or anybody else that the body was placed in a barrel, because I never heard of it in connection with a barrel up to now, and it wasn't this body at all.

Q. You remember talking with Dr. Parker about the body of the woman?

A. No, sir; because I didn't.

Q. You say you did not?

A. Not this woman, no.

Q. About one of the bodies sent up?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Did you talk to Dr. Parker about a body that you sent up to Boston?

A. A body? Yes, sir; I presume so.

Q. Was it the body of a woman?

A. Yes, sir, it was.

Q. Was it a body forwarded to General Donohoe?

A. No, sir, it wasn't.

Q. Whom was it forwarded to?

A. To Dr. Galvin, of the Emergency Hospital.

Q. On whose order?

A. General Donohoe's.

Q. That is, you received an order from General Donohoe to forward a body to Dr. Galvin?

A. Yes, sir.

Q. Whose body did you send?

A. Catherine McCarthy's.

Q. Yes — when was it?

A. I don't remember exactly.

Q. Well, how soon was it after the Cuddy body was sent up?

A. Some little time.

Q. How long do you think?

A. Oh, I couldn't tell exactly how long, but it was some little time.

Q. Well, now, you have both orders, haven't you?

A. No, sir, I haven't.

Q. Well, you have already sworn that you have the first order, the order calling for the three bodies?

A. Yes, sir.

Q. You filed that order, didn't you?

A. Yes, sir.

Q. What has become of the second order?

A. The second order is in another form, which is a notice to deliver the body.

Q. What do you mean by another form?

A. We have two forms. The first order for the three bodies was a personal letter. The next order for Catherine McCarthy, which you have got mixed up, and so did Dr. Parker —

Q. I am afraid you have got mixed up.

A. Oh, no, not much, this time, because I have looked it up since, and that is why I wouldn't testify to it positively the other night, because you see when I don't know a thing I don't intend to get up here and say I do.

Q. Describe the second order.

A. It is a notification to send up a body on either the morning or the afternoon boat, and that the friends will be at the wharf to receive it.

Q. Oh, that wasn't sent up for anatomical purposes, was it?

A. From my knowledge of the case I should say it was.

Q. Well, what did you mean by saying "the friends of the deceased would be at the wharf to receive it"?

A. That is merely a form that they use.

Q. You mean it is a lying form, do you?

A. No, sir.

Q. It is a truthful form, is it?

A. Yes, sir.

Q. That is, the letter expressed the truth?

A. As far as I know; yes.

Q. Well, what was there in the latter order to indicate to you that it was meant for anatomical purposes?

A. Nothing.

Q. Then why do you say it was meant for anatomical purposes?

A. Because I know that the body was meant for anatomical purposes.

Q. Tell the committee how you knew that?

A. Because a doctor came down from the Emergency Hospital.

Q. When?

A. In the morning.

Q. Did you receive the letter?

A. It wasn't a letter, it was a notice—a printed notice. I distinguish between the letter and a printed notice.

Q. Did you receive a printed notice?

A. I think he brought it down with him.

Q. Who was the doctor?

A. Dr. Segar.

Q. He was then?

A. He was then assistant of Dr. Galvin at the Emergency Hospital. He brought down a trunk to take the body up with him and I wouldn't let him. I didn't think it was decent, and told him he had got to take it in a coffin. That is how I know that body went up in a coffin.

Q. At that time you had been a member of the medical profession for many years?

A. Yes, sir.

Q. You knew of the provisions of law relating to the appropriation of bodies for that purpose?

A. Yes, sir.

Q. Did you think you were complying with those provisions when you delivered that body?

A. I certainly was.

Q. Did you think the law was being complied with?

A. Yes, sir, it was.

Q. Did you think the Board of Health had granted a permit?

A. Yes, sir, it had.

Q. Did you think a bond had been filed?

A. Yes, sir, I did.

Q. Do you say now that a permit had been granted?

A. Yes, sir.

Q. You know that, do you?

A. Yes, sir; I have got the permit.

Q. You told me you didn't get the permits; that they were kept at the Commissioners' office?

A. Not for this one, because they returned the body. It would have been if they had taken the body. This is the one, you know, where we found out she had some friends afterwards, and we didn't know but they might claim her, so I sent and got the body back.

Q. I don't wonder—you saved your neck in time.

A. Still, we did everything according to law, and we would have been perfectly justified in letting them have the body.

Q. You said awhile ago that whenever a body was sent up for that purpose you had an order from the secretary of the Commission, didn't you?

A. Yes, sir.

Q. In this case you didn't have such an order, did you?

A. I did.

Q. Why did you undertake to distinguish between what you called the written order and what you called the printed notice? Why did you do that?

A. Because I wanted to be accurate. They are both orders, except that one is written and the other is printed.

Q. That suits me. Now, that being so, why didn't you keep the second order on your files?

A. I did.

Q. I asked you if you had the second order as well as the first, and you said no.

A. You asked me if I had the second letter.

Q. You distinguish between the letter and the order?

A. Certainly.

Q. And I must speak by the card, else equivocation will undo me?

A. Yes, if you want to get at the facts.

Q. You have both, have you?

A. Yes, sir.

Q. And you can produce both?

A. Yes, sir; I can; that is, I could four or five days ago. I won't guarantee to produce anything here nowadays.

Q. You will have that the next time you come up here?

A. Yes, sir, I think I will.

Q. And your position now is that the Board of Health granted permits for the three bodies that were sent up and also for the body that was afterwards sent up or delivered to Dr. Galvin's assistant?

A. I don't know anything about the permits for the three bodies that were sent at once.

Q. Well, why did you deliver the body to Dr. — what is his name, Segar? Why did you deliver it?

A. I didn't deliver it to him. I sent it up on the boat.

Q. Why did you send it up?

A. Because I got this notice.

Q. But you said, you know, some time ago, that the bodies were kept five days, and it doesn't appear that you had kept that body for five days.

A. Catherine McCarthy's?

Q. Yes, sir,

A. I think it does.

Q. How long did you keep it?

A. I don't know, sir.

Q. It appears the other three bodies were kept only four days when they were sent up?

A. One of them. The others, I think, we kept longer.

Q. That proves one of two things — either that your testimony in that respect is not true, or that you were mistaken.

A. You didn't allow me to explain. By and by when we get through I will explain that it was a mistake.

Q. But you did say bodies were always kept five days?

A. I said that was our custom, was rule.

Q. But you departed from the custom in the case named, didn't you?

A. In one instance; yes, sir.

Q. Why did you do that?

A. Are you ready for the explanation now?

Q. Oh, isn't it a very simple thing to answer? Why did you do it? Don't go into a long statement.

Mr. PROCTOR — Make as long an explanation as you think best.

Mr. RILEY — Oh, no.

The WITNESS. — There is no danger of that. As I said, I misunderstood General Donohoe's letter. I understood him to say or to mean that he would send to the boat for the bodies. Instead of that he meant that he would send down a notice next day for the bodies to be sent up; that is all.

Q. You don't catch the point of my question, or if you do you don't seem desirous of answering it. You have said that the custom was to keep the bodies five days before sending them?

A. Yes, sir, before sending the notice.

Q. What notice?

A. The notice to the Commissioners that a body could be taken for anatomical purposes.

Q. Yes, sir; and the notice, of course, always comes before the delivery of the body, doesn't it? The notice is always given before the delivery of the body?

A. A notice, or an order of some kind.

Q. And before you send the notice you keep the body for five days, don't you?

A. Yes, sir.

Q. Well, it appears in the case I am talking about that you sent the body up in four days. How do you account for it?

A. Well, I thought I explained it.

Q. Well, I don't think you did.

A. This person supposedly didn't have any friends. It was the body of Edward Cuddy that we sent up on the fourth day; the others were all right but Edward Cuddy. We always send a notification to the Commissioners, on the death of a man, whether he has got any friends or if he hasn't.

Q. Yes.

A. If he has got any friends we say who they are and where we have notified them. If he hasn't got any friends we say so. General Donohoe gets these letters, and he saw that Edward Cuddy didn't have any friends, as we notified him. He sent me this letter, that he would send for the bodies next day. Meaning, as I afterwards found out from him, that he would send the notice, a printed notice, for them to be delivered. I understood him to mean that he would send for the bodies to the boat, and therefore I sent up the bodies.

Q. Is that your explanation?

A. Yes, sir.

Q. Now, why don't you answer the question? Why did you depart from your custom of keeping bodies five days? Why did you depart from it in that case?

A. I didn't say anything about keeping bodies. I said that we didn't send a notice of the fact that a body could be used for anatomical purposes until the expiration of five days.

Q. That is because you want to keep the bodies for five days, isn't it?

A. Certainly.

Q. Why didn't you keep this body five days?

A. Because General Donohoe sent for it.

Q. Then if they sent for a body on the day of the death you would send it up?

A. Certainly I should.

Q. No matter what happened to the body?

A. Certainly, it has nothing to do with me. I have nothing to do with it. I am only superintendent down there. I try to carry out the orders of the Commissioners as near as I can. If they send for a body I don't know what they are going to do with it. They may be going to deliver it to the friends for all I know.

Q. I asked you about a boy some time ago and you said you didn't remember him. Perhaps I may refresh your memory. I mean the boy who was taken out of the Gut, who came near being drowned?

A. I don't think I was there at the time. I might have been, but that doesn't refresh my memory.

Q. You have no memory. I am told that you attended to the boy when he was brought to the island by the fishermen, or somebody. You don't remember him, do you?

A. No, sir, I do not.

Q. Have you memory of attending any boy whose body was pretty well covered with bruises, wounds, and stripes?

A. No, sir.

Q. Have you attended any boy whose body had wounds and bruises on it?

A. Not to my remembrance.

Q. Have no remembrance of it?

A. No, sir — nothing of that kind; no, sir.

Q. One other question and then I shall end. You know Erskine, don't you?

A. Erskine; yes, sir.

Q. He was on Deer Island during a part of the time you were there?

A. Yes, sir.

Q. Was there when you left, was he not? At all events, he was there during the Mayor's investigation?

A. I don't think he was there when I left.

Q. He was there during the Mayor's investigation, wasn't he?

A. I don't know as to that; no, sir.

Q. Well, he was there until a little time before, wasn't he?

A. The only thing I can say about Mr. Erskine is this, Mr. Riley. That he, I think, was there until a short time previous to my leaving there. I think that he left the island before I did. When he came I don't know.

Q. Well, now, you knew him pretty well, didn't you?

A. I knew him fairly well, just the same as I knew a good many officers down there.

Q. You knew he was a good officer, didn't you?

A. In my judgment I thought he was a good officer.

Q. Yes, and you spoke to him about making him your deputy on Long Island, didn't you?

A. Yes, sir, I did.

Q. You thought of doing that?

A. I had it in mind; yes, sir.

Q. (By Mr. BRANDEIS.) Dr. Cogswell, do you have burial services for the dead at Long Island?

A. Once in a while, but not always.

Q. How many have you had?

A. I couldn't say, sir — I don't think very many.

Q. When did you have the first?

A. I couldn't tell that, sir.

Q. It was after this investigation began, wasn't it?

A. I couldn't tell that.

Q. Wasn't it in May?

A. I don't know, sir.

Q. What is your best recollection?

A. I couldn't tell you that. I don't remember when the first was. I

don't remember how many we have had. I think we have had perhaps three or four. That is all we have had. Whenever, as they sometimes have — I remember one or two instances where they have requested something of the kind — it has been held. It never has been held unless some wish has been expressed that it be held. Ordinarily, burial services are not held.

Q. Aren't you of the opinion that burial services would tend somewhat to the up-lifting of the people there, the living?

A. I think it possibly would be a good thing; certainly wouldn't be a bad thing.

Q. Well, wouldn't you recommend introducing that as a part of that general reform of the individual which we agree should be undertaken?

A. I think it might be a good idea to have something of the kind — some simple service.

Q. Yes. That was suggested, wasn't it, by the visitors, some of them?

A. I think it was. I certainly should not object to anything of that kind.

Q. Have you discussed the matter with any of the Commissioners?

A. No, sir.

Q. Have they ever made any suggestions to you in regard to it?

A. Not to my remembrance.

Q. Doctor, there is only one other question. It appeared from your testimony here that, upon the simple statement that a night nurse was seen coming at the hour of 12 to 1 at night from the room of the deputy superintendent, the statement being made to you by a woman who had been, several times to your knowledge, committed to Deer Island, you charged a lady of unblemished character, at a public hearing, needlessly, with the greatest offence which society knows in women. It also appears from the testimony here that the members of the Board of Visitors, after an investigation covering several weeks and inquiry made from a large number of officers, ex-officers, and inmates of the institution, presented in the performance of a solemn public duty charges against the administration of Long Island, reflecting upon the character merely of the administration and not upon the private character of an individual. Now, I ask you, doctor, to compare the conduct of yourself in making the one charge, which is purely private in its nature, needlessly here, without investigation and without seeking support from any other witnesses, and the conduct of the Board of Visitors in making that investigation, covering that long period and from a large number of people — and I ask you, after making that comparison to tell this Board, the Aldermen, whether the Board of Visitors or you in your statements should more commend themselves to the judgment of the Aldermen?

MR. REED. — That is an entirely improper question, Mr. Chairman. The committee should pass upon the evidence rather than the witness.

THE CHAIRMAN. — The witness may answer that question if he chooses.

THE WITNESS. — Mr. Brandeis has started out with entirely false premises, as you will see when you come to read over my testimony. I did not make any charge myself of any kind or description against anybody. I merely said, or intended to convey the impression, that such a thing had occurred. In reading over the written testimony I see that my words would, could, and probably did convey an impression entirely foreign to what I intended that they should be, and if my memory serves me at all I said so at the last meeting — which was that the fact had been reported to me — it was reported to me by a person who had no object in telling an untruth, whom I believed to be trustworthy. I do not believe because a person becomes intoxicated occasionally they are

entirely unqualified for telling the truth. It was not done in a willing manner — the mentioning of the name of a lady of unblemished character — it was done by the express command of this committee after my refusal and at the earnest solicitation of counsel, Mr. Brandeis — not by reason of any willingness on my part to do it.

Q. (By Mr. BRANDEIS.) Now, Dr. Cogswell, you say that by what you stated there you did not intend to charge this offence. I will ask you whether you did not allege that fact as a reason for the change of that good opinion which you had formed of your former deputy, and whom you had recommended yourself to an important public trust? Did you not allege this very fact which you are now trying to color differently as a reason why you changed the good opinion which you had of that man?

A. It was one of at least two reasons that I gave.

Q. Yes, and if you gave it as a reason, you gave it because, as you stated it then, you wished to convey to this committee the impression that that offence had been committed. Is not that the fact — yes or no?

Mr. PROCTOR. — Pardon me. He is not bound to answer that, except as he deems best.

The WITNESS. — I think I went into this matter last night with Mr. Riley to all the extent that I want to go into it.

Mr. BRANDEIS. — I should think perhaps more, because the more you say of it the less good it can reflect upon yourself.

Mr. PROCTOR. — Pardon me. You are asking the questions and you are testifying yourself, and you ought to be contented with one or the other.

Mr. BRANDEIS. — Yes, and I will be amply content with either one if you will keep still.

Mr. PROCTOR. — I will keep still when it pleases me to do so, you know.

Mr. BRANDEIS. — And I will speak when it pleases me.

Mr. PROCTOR. — If you are going to testify I will want to put you under cross-examination.

Mr. BRANDEIS. — I would be delighted to be cross-examined by so intelligent a man as you.

Mr. PROCTOR. — Do you want to go on now?

Mr. BRANDEIS. — If I might be put on as a witness I would be delighted to be examined. I think I know something about the institutions at present.

The CHAIRMAN. — We will save time if you will proceed with the question.

The stenographer repeated the last question and answer.

Q. (By Mr. BRANDEIS.) That is all the answer which you have to give, doctor, to the question which I put?

A. Yes, sir.

Mr. BRANDEIS. — That satisfies me. That is all I have to ask you.

Mr. PROCTOR. — It is the first time you have been satisfied for a good while, Brother Brandeis.

Mr. BRANDEIS. — Yes, sir; I have been much satisfied with everything but your interruptions.

Mr. PROCTOR. — Then I am glad to have interrupted you.

Mr. BRANDEIS. — The only trouble is that it was discourteous, and I don't expect that from you.

Mr. PROCTOR. — Thank you.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Doctor Cogswell, at a former hearing you were asked this question by Mr. Brandeis: "Well, who was the nurse that this woman said he had in his room?" And you answered, "I don't think I am called upon to state that." Mr. Brandeis then said, "I think

you are." You answered: "She isn't there now. I couldn't say." He then asked you: "I think you should, as long as you have made a statement here letting that part of it out?" You answered: "I don't think the committee would ask for anything of that kind." Mr. Curtis then said, "What purpose will it serve?" Mr. Brandeis said: "It will serve this purpose—to show that this witness comes and makes statements that are not true, and whenever we begin following them up, you say, 'Stop.'" Mr. Reed says: "That is your opinion." Mr. Brandeis replied: "It is my opinion, of course." Mr. Reed then said, "You are entitled to it." Mr. Curtis then said: "He has given the name of the informant, and what purpose would the giving of the name of woman serve except to gratify idle curiosity? He has stated the name of his informant." Mr. Brandeis then said: "And I propose to know in regard to this story he has stated." Mr. Curtis said: "All you have to do is to get Mrs. Whitney here." Mr. Brandeis replied: "I shouldn't trust Mrs. Whitney, from what has been testified to about her. I would like the witness to answer this question." Mr. Curtis said: "I object to dragging this in. I think the name of the woman should not be stated here." The chairman then said: "The Chair rules that the question may be answered."

MR. BRANDEIS. — And the answering of that question shows the untruth of the witness' statement and reflected upon his whole testimony.

THE WITNESS. — Not a bit of it.

MR. BRANDEIS. — That is what it shows and you have got to follow him up, cost what it will, to show how untrue his testimony is.

MR. REED. — Will you please conduct yourself as a gentleman, Mr. Brandeis?

Q. Then, doctor, in reply to that reply, to that command, or ruling of the Chair, you then stated the lady's name. I want to ask you if I have called attention to the circumstances under which you mentioned the name of the lads about which so much has been said here by Mr. Riley and Mr. Brandeis at this hearing and the one immediately proceeding this, and if that is the only time that you have stated that name here to the best of your recollection?

A. It is.

Q. You have been asked in regard to having prisoners from Deer Island at work on Long Island. Have you done anything as superintendent there in opposition to the opinion of the Corporation Counsel which was given to the Commissioners to the effect that it was proper to take prisoners from Deer Island to Long Island or any other farm owned by the city, so long as they were in charge of officers of the Deer Island institution and were returned to that institution in charge of those officers? Have you ever violated that opinion or gone contrary to it?

A. No, sir; I don't think I have.

MR. RILEY. — You probably never read it, did you, doctor?

MR. REED. — I didn't ask him that and he is not obliged to answer your questions now. Probably it was given so long ago that he didn't have to read it.

THE WITNESS. — He asked me one question, Mr. Riley, and you asked me another.

Q. (By REED.) Is there anything further that you care to state to the committee, doctor, before you leave the stand?

A. No, sir; I don't think there is.

Q. Wasn't there something in regard to the medical staff at the hospital, the organization, that you wanted to make clear?

A. Well, it doesn't seem to me necessary at this time. The committee perhaps understands the exact organization of the medical staff at Long Island. When we first started there, or within a very few days, as soon as we could get straightened

out, the organization consisted of myself as physician, Dr. Dever as first assistant, and Dr. Sullivan as second assistant. Dr. Dever as first assistant and Dr. Sullivan as second did the actual practising in the hospital, Dr. Dever having charge of the female ward, Dr. Sullivan of the male ward, and Dr. Dever having the immediate charge of all the details of the hospital on both sides. He was responsible for the records outside of the immediate male records of the hospital and he was also responsible for the drugs in the dispensary, the cooking of the food and serving of it in a proper manner, and to notify me of any trouble or mistakes or anything that occurred. In the summer-time, when it was possible to get an interne from among the young men just out of the Medical School, we had one. In the fall, the 15th of November, Dr. Dever resigned and Dr. Parker then assumed his duties and had as second assistant Dr. Leach. That went on until this fall, when we got a first assistant physician who was over both Dr. Leach and Dr. Parker. He was responsible then for what Dr. Dever and Dr. Parker had been originally responsible for, and it has always been our custom to have at least two assistant physicians. The first assistant was responsible to me for the immediate details of hospital management. The work was divided between the two from a medical standpoint last spring, and I, as I said in my statement, thought it would be best for me and perhaps for the hospital if I assumed a more immediate and active management and treatment, which I did. I occupied what would be the position of a visiting physician to one of the city hospitals, as far as the medical treatment of patients was concerned. The other duties were carried on then by the two assistants — one Dr. Ayer, who came as first assistant over Dr. Leach and Dr. Parker. When he came he was responsible for all of what we call the "emergency treatment." From questions that have been put here they have tried to convey the impression that I have prohibited the physicians down there from prescribing diet or medicines. That is not so. The only thing which has been prohibited to them is the changing of any regular routine treatment or any regular routine diet of a patient in the hospital. They do all of the emergency prescribing; they do all of the prescribing for nights; they have the privilege of taking any case that may be in the hospital that may be of exceptional interest and treating it to suit themselves, both in medicine and diet. This action prohibiting them from changing routine treatment was done because one of the doctors there insisted on changing treatment that I had given without any notification to myself — gave medicines and drugs to patients that I considered injurious, and so I put a stop to that. But in as far as we are able, the organization of the hospital has really been always since I have been there on the lines suggested by the Board of Visitors. I never took any exception to the proposition as to the organization of the hospital. That is one of their propositions. I never approved of a regular visiting physician from the city, because I never thought it was necessary. As to the board of consulting physicians and surgeons, I certainly should not object to that. But the effect is practically the same now, because I have the privilege of calling any physician or surgeon that I may desire at any time in consultation. The Commissioners are perfectly willing to pay for him, which they would have to do if we had a board of consultants which amounted to anything. A board of consulting physicians and surgeons are of no practical benefit to a hospital unless they are men of experience and reputation, and men of that class I don't think would be willing to give their time and advice gratuitously. If they were, so much the better. I shouldn't object in any way to a board of consulting physicians and surgeons, and I never have. But as far as the organization of the hospital is concerned, as I have said, it is carried out with one man directly responsible to me for certain

things and the other man responsible to him for certain things, and to me for well defined duties.

Q. What was the fact, doctor, about that nurse whom they say was discharged from the City Hospital? Were you informed by Dr. Rowe that that nurse had been discharged before you employed him?

A. Of course I have no means of knowing. Perhaps Mr. Brandeis has been entirely hypothetical in this question and did not refer to anybody. If at any time he puts in testimony and names any persons I think possibly we may be able to do a little something in regard to throwing light on the subject.

Q. Then you don't call to mind?

A. I will say this much, that I never hired a nurse of any kind or description after Dr. Rowe told me that he or she had been discharged.

Q. Since you have been at Long Island have you ever had a case there that called for the services of a physician or surgeon other than the physicians and surgeons whom you have had there, and been denied the right to employ such outside assistance?

A. I never have applied for any assistance in any way, shape, or manner, and I never considered that it was necessary, but I have always understood that at any time if I desired any one I had the privilege of calling on them.

Q. I think that is all — unless you have something further to state.

Q. (By the CHAIRMAN.) Dr. Cogswell, I understood you to say in regard to that nurse who was discharged, whom you hired, that you had no means of knowing. I understand that you mean by that that you had no means of knowing that he had been discharged or what he had been discharged for?

A. Oh, I said I never had hired a nurse after Dr. Rowe had told me that he or she had been discharged from the City Hospital.

Q. I thought I understood you to say you had no means of knowing?

A. Oh, no, no, sir. I could have telephoned right up.

MR. REED. — He said, Mr. Chairman, that he had no means of knowing what person Mr. Brandeis referred to. His question was hypothetical.

THE WITNESS. — I said his question was hypothetical and might have been purely hypothetical, without his having anybody in mind, that if he at any time should put in any evidence that such was the case and mention any names I thought we could do something towards disproving anything of the kind ever having happened.

MR. BRANDEIS. — We will give you the opportunity.

THE WITNESS. — Well, I can do it.

Q. (By Ald. LEE.) I understand you to say, doctor, that the prisoners that were sent from Deer Island to work at Long Island were never kept on Long Island over night?

A. If you had asked me that question the first week I should have said, "Never to my knowledge," but night before last it was so foggy that the boat couldn't run and we had to keep all the prisoners, the mechanics and everybody we had on the island, on Long Island.

Q. Well, up to that time.

A. Up to that time it had never been done, to my knowledge,

Q. Well, now, leaving that one question out, since you have been superintendent when prisoners have been sent from Deer Island to Long Island for employment, over there to work, how many meals do you serve to them during the time they are on your island?

A. Just the dinner.

Q. Now, how many inmates, paupers, can you seat in your male dining-room at one time?

A. About 250.

Q. Now, has there been any time when the prisoners from Deer

Island were at work on Long Island that they have been in the same dining-room, eating their meals with the inmates?

A. When I first went there it was the custom, sometimes, if there was a second table of inmates, to have the prisoners eat on the other side of the dining-room. There was always a table, an empty table, separating them, and generally two empty tables; but after awhile it seemed to us that it wasn't a good custom. We thought that we had better keep them separate as to that if we could, so that since then, since a year ago last summer, I don't know of any time when the inmates and prisoners have eaten together in the same dining-hall.

Q. That is, for a year?

A. About a year and a half.

Q. When you went there you found the custom was to allow them to go in and sit in one part of the room if there was a second table?

A. Yes, sir.

Q. Well, now, are the inmates at Long Island, any of them, employed at work the same as the prisoners?

A. No, sir.

Q. They are separate?

A. Yes, sir. Well, sometimes a prisoner might come in contact with them. They might be driving a team, a prisoner might drive a team that the inmates were shoveling coal in. If we happened to be short of teamsters one out of four might be a prisoner, but they are not allowed to work on the same work together, no, sir.

Q. Nor to mingle in an indiscriminate way?

A. No, sir; nor to mingle.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Doctor, do you go into the dining-room every day? Mr. Galvin said he always went in every day the time the meals were served. Is that your practice, also?

A. No, sir.

Q. How often do you go?

A. Very frequently.

Q. What do you mean by that — how often in a week?

A. Well, a good many times. I might say about half the time that I would be there when they were eating dinner. I might say that nearly every day when on the island I am either there when the dinner is served, while they are eating, or while it is in preparation. There is hardly a meal, a dinner, served that I don't see it at some time.

Q. Then how does your practice differ from that described by Mr. Galvin?

A. As I understand it Mr. Galvin said he was in the dining-room while they were eating. I may have misunderstood him.

Q. Every day?

A. Yes, sir.

Q. And you are there only every other day?

A. I don't think I am there any oftener than that — not while they are eating; no, sir. I never considered it necessary. If I had I should have done so. The deputy — that is one of his duties, to run the meals in and be there and see that order is maintained and that everything is served satisfactorily. I have never considered that it was essential that both of us should be there at the same time.

Q. And when you go in there how long are you there?

A. Some times I am there two or three minutes, some times I am there all through the meal.

Q. Pass through the room, do you?

A. Sometimes I pass through and sometimes I stand at the door. Most generally I stand at the door.

Q. Which meal is it that you attend?

A. Dinner mostly. Suppers and breakfasts are always the same. There is no great necessity for looking after them.

Q. (By Mr. RILEY.) Only one thing, doctor—where did the prisoners sleep, those kept there the other night?

A. In the dining-room. That is the only place we have.

Q. That is, brought cots or beds into the dining-room?

A. Yes, sir.

Q. Didn't put them into the dormitories of the paupers?

A. No, sir; they were separated by a floor from the paupers.

FRANCIS A. HARRIS, M.D. — *Sworn.*

Q. (By Mr. REED.) Your name is Francis A. Harris?

A. It is.

Q. You are a practising physician in Boston?

A. I am.

Q. You are a graduate of Harvard College, doctor?

A. I am.

Q. And of the Harvard Medical School?

A. I am.

Q. What year were you graduated from the Harvard Medical School?

A. '72.

Q. And you have devoted your time to your profession since that date?

A. I have.

Q. You are medical examiner for the County of Suffolk, are you not?

A. I am one of them.

Q. And you have held that office how long?

A. Since its creation.

Q. What year was that?

A. '77.

Q. Was that the time of the abolition of the office of Coroner?

A. It was.

Q. Then from the beginning you have held this office of medical examiner?

A. Yes.

Q. What opportunities have you had, doctor, for observation of hospitals in this country and others?

A. I was a pupil at the Massachusetts General Hospital—externe, as it is called now—for six months, and for nearly a year as an interne; and I was house officer at the Massachusetts Hospital. I spent a year in Vienna, and I was there daily, with the exception of Sundays, in the great general hospital of the city of Vienna. I have seen other and similar hospitals here and in other cities.

Q. Have you ever visited the hospital at Long Island, Home for Paupers?

A. I have.

Q. Do you remember when you made your first visit to the hospital?

A. Oh, no—the present hospital?

Q. Yes.

A. It was a very long time ago. It was, I think, in March after this investigation began.

Q. That would be last March?

A. Yes—that is the present new hospital I am speaking of. I was through the hospital while it was in process of construction, but I should presume that you refer to the fact of a visit after it was in operation.

Q. You understand me right, doctor?

A. Yes. You must understand that I have had occasion to go to all the islands in the past eighteen years at different times in an official

capacity, but my answer pertains to this simple question of this new hospital.

Q. You were on the island during the erection of the building, I understand you now?

A. Yes.

Q. And since the completion of the building and its opening as a hospital you have been there?

A. Yes; I have been there twice.

Q. You say that you first visited the hospital in March?

A. Yes.

Q. Now, did you make a tour through the wards in that time?

A. I did.

Q. And did you observe the character of the diseases which were being treated there?

A. I did.

Q. And what do you say as to their character? What was the general character of the diseases?

A. Oh, they were all chronic cases, with a single exception, and that wasn't an inmate. They were largely of a specific character, outside of maternity wards, where the cases of childbirth were, and people of very advanced life suffering from no acute troubles. The only acute case I saw there was a case of pneumonia in one of the officers of the institution.

Q. That was the deputy, was it not?

A. I don't remember the man's name. He was very ill at the time. It was an acute case and he was in a room by himself.

Q. There was a ward devoted almost entirely to specific diseases in the women's side, was there not?

A. Yes.

Q. And across the corridor from that ward was the maternity ward?

A. Well, the maternity ward was farther up this way. I should say that that being the ward where the large number of female specific cases was the maternity ward would not correspond to that, according to my recollection.

Q. What was the appearance of the hospital as to cleanliness?

A. It was very clean, very neat.

Q. Did you make any examination of the beds, the beds and bedding?

A. I did. I examined the mattresses—the woven-wire mattresses and the sheets and pillowcases, etc. They were all neat and clean. They were in a very much better condition than they are in the general hospital in Vienna.

Q. Were you shown any of the plumbing arrangements, such as bath-tubs, water-closets, etc.?

A. I was.

Q. And do you remember how they were located?

A. No, I can't give the geography now, it is so long ago. They were easy of access and they apparently were very privately appointed.

Q. You don't remember of seeing any of the bath tubs in the open wards, do you?

A. No.

Q. They were in separate rooms, were they not?

A. Yes.

Q. And did you go into the sun-room?

A. Yes, sir; a place out on the southerly side of the hospital looking out towards Rainsford Island, I think it is—a large room with a great number of windows where a great many sat during the day, I was told.

Q. Did you see any of the food that was served to the patients?

A. I didn't see any of the food that was served in the hospital. The food that I saw was the food that was cooked in the institution building, so-called,—unless it came from the same place.

Q. Then you visited the institution building at that time?

A. Yes, sir; and that is where I saw what food I did see. Oh, I did see some coffee and tea and other things in the hospital, but food proper I only saw in the institution building.

Q. Did you visit the hospital kitchen the first time you were there?

A. I don't remember that I did.

Q. Did you the second time?

A. I think I did. I am uncertain about that. My memory is chiefly on the institution kitchen.

Q. Well, then, you visited the institution kitchen at the first visit?

A. Yes.

Q. And do you remember what time of day it was?

A. What kind of a day?

Q. What time of day?

A. Oh, it was in the fairly early morning about ten o'clock in the morning. It was a very stormy, snowy Monday morning in March, and it was very early in the morning. I went over on the harbor steamer, the "Bradlee" I think it is, on her first trip down. I drove from my house to Deer Island and went over on what I supposed to be the first boat, although I don't know.

Q. Well, what is your judgment as to the quality of the food, from what you saw there, as given to the inmates?

A. Well, it is very good nourishing, wholesome food. I have tasted of the bread and of the fish. I saw the meat. I didn't taste of the soup because it wasn't ready. It was in process of cooking. It seemed savory. At all events, it is much better food than is furnished to passengers on the ocean steamers coming over in the steerage, and very much better than is furnished to the crew — better food than a very large number of the poorer class have when they are dependent upon their own exertions to procure it.

Q. Did you go through the institution building at all?

A. I did.

Q. Now, what was the condition of the dining-room as to cleanliness?

A. It was thoroughly clean.

Q. And how was it throughout the institution at that time in the morning?

A. Well, I understood that was cleaning day and there was more or less disorder, the chairs being put upon the beds and the employees to the inmates themselves were engaged in washing the floors and mopping them and putting them in order for whatever length of time they take there between the washings. The dining-room was not in process of being washed and it was clean. The cloth was clean, the oil-cloth — and nothing objectionable. In the other wards they were in a process of being cleaned.

Q. Well, what was the condition of the wards upstairs — the infirmary and nursery wards? Did you notice them particularly?

A. Nothing special about them.

Q. Well, was the air bad up there?

A. No, the air was fresh, and as a matter of fact, while I was there one of the three large ventilators in the room had to be closed a little more than it was on account of the strong draught that came though it.

Q. Then you noticed some ventilators there?

A. Oh, of course. There are three large ventilators in the place — in the roof, the ceiling.

Q. There are three wards up there — two infirmary wards and one nursery ward. Do you remember seeing ventilators in all three of those wards?

A. I remember the one where the children were with the mothers, and then there was another ward — I don't remember for what it was

used — where there were two ventilators, and I don't remember any others.

Q. But you do remember distinctly in regard to the ventilators in the nursery ward?

A. Yes.

Q. And on that windy March morning it was necessary that one of those ventilators be closed while you were there.

A. Well, it had to be — not wholly closed, but more closed than it was when I came into the room, because the wind was so that some flakes of snow came down there, and I noticed, in order to avoid that, the ventilator was closed something further than it was when I first went into the ward.

Q. How much notice did you give the officials of that institution that you were coming that morning?

A. I didn't give them any notice. I was requested by Dr. Cogswell to come and look over the institution, and I was to come at the earliest convenience, and I thought if I was going to look into it at any time under any conditions that perhaps a stormy March Monday morning would be as good a time to get the inside facts as any other.

Q. And you went from your home across to Deer Island?

A. Yes — I must correct myself. I started to go from my home to drive to Deer Island, but on account of the storm I went to Boston and took the boat from Boston down. I recollect now that I changed my plans.

Q. Did you make any examination of the instruments — surgical instruments?

A. Yes.

Q. Well, how was the hospital equipped in that respect?

A. Oh, all the surgery there is emergency surgery, and they have got all the instruments there to do everything except staphylo-orrhaphy, I should say, and I think the hospital could get along with about half the instruments they have got now. They have got a great many more instruments there than are required for any likely surgical procedure that is necessary.

Q. You have referred to an operation — will you tell the committee what is it?

A. Oh, that is an operation for cleft palate, where you want a certain peculiar kind of gangs to hold the mouth open, where they strip up the hard palate and sew it together. I didn't suppose they required that down at Long Island.

Q. Well, where the instruments kept at the first time you were there — do you remember — in drawers?

A. In drawers, in a glass closet.

Q. Well, you have been there since that time again?

A. Yes, sir.

Q. And are they kept in a glass case now?

A. Yes, sir; a new glass case, beautiful, lovely, all laid out in rows.

Q. You visited the pharmacy, I presume?

A. I did.

Q. And how was the stock of medicines?

A. Well, of course I can't tell about the contents, but they had plenty of bottles and labels indicating that they had all the drugs ordinarily required. I should think there were perhaps 100 or 200 varieties, the average human being not needing at more five to ten.

Q. Then so far as you observed what is your judgment as to their equipment in that respect?

A. Yes, I think they had drugs enough.

Q. Well, do the diseases which they have to treat there requires constant nursing?

A. No, nothing more than any chronic case. Of course there might

be an acute case — might be several. I am only speaking of the time I was there that there were none, but of course an acute case requires very careful watching and pretty constant nursing. But as a rule the class of cases there don't require any considerable amount of nursing in the sense in which we ordinarily use it — trained nursing. They require looking after and being properly bathed and properly fed and things of that sort, and such drugs as are administered at the proper time and in accordance with the orders of the physician. But it doesn't require that amount of nursing that you would expect in a hospital like the City Hospital or the Massachusetts Hospital, where there are a great many surgical and acute cases.

Q. Can you give the committee any idea about how many patients were confined to their beds when you were there, or don't you recollect?

A. I had memoranda of those things and I have got them at my office, but I haven't them with me, and it is only a random statement. I think in a ward which had some thirty beds there were only two confined to the bed. I think it varied. In some wards, I think there were as many as eleven in bed, but in most cases the patients were sitting up beside the bed or in the sun-room at the first visit, and on the second visit it was about the same, only I noticed that some of the people who were in bed on my first visit, one case especially, was up on my second visit. It was a very interesting case and that is the reason I remember it.

Q. Which ward was that in, doctor?

A. That was in the female ward, and this was a special case of specific disease that was very marked — what physicians would call a splendid case, and it had done splendidly between the time of my two visits. So I remembered the case particularly on that account.

Q. Then you would say that the treatment of that case, judging by the result, had been proper, would you not?

A. Oh, eminently so. It was a case of specific rupia, where the whole face was a mass of coarse and disagreeable disfiguration, and it had come out, with the exception of a little color change which would pass away, had come away as smooth and nice as could be — an excellent result.

Q. Did you form any judgment as to whether the patients were properly nursed in that hospital?

A. Seemed to be no indication that they were not.

Q. Did you make any examination of the records that were kept in the hospital?

A. Yes.

Q. Well, what do you say about them?

A. Well, I think they might be kept more full.

Q. You think they might be kept more full?

A. Yes.

Q. Any other criticisms?

A. No, I don't remember anything else.

Q. Did you make any inquiries or were you informed as to the medical staff and the medical organization of the hospital?

A. I understood the superintendent and two house physicians.

Q. Well, in your judgment was that a proper medical staff for that hospital?

A. As far as numbers were concerned. That number of physicians ought to be able to take care of that number of patients who were afflicted only with that class of diseases. It wouldn't answer for a lot of acute cases or where there was a great deal of multiple surgery.

Q. Do you have any recollection as to when what they call the "clinical history," I believe, was begun — the date at which it was begun, in your examination of the records? Was your attention called to that?

A. I think it was, but I cannot answer. I have not refreshed my memory at all since that time and I cannot answer the question.

Q. Wasn't it the 15th of June, 1893?

A. I can't answer.

Q. From your observation at those two visits to which you have referred should you say that at the second visit any changes had been made in the management of the hospital?

A. Well, between the first visit and my second visit?

Q. Yes, sir.

A. Any changes in the management?

Q. In the management or as to the care of patients or as to the equipment of the hospital? Did you notice any change?

A. Well, I can only say I was informed that some additional instruments had been bought, but as far as any observation of patients or conditions in the hospital I saw no difference between the two times.

Q. And what was the date of your second visit, if you remember?

A. It was early in April, I cannot remember the day.

Q. And you haven't been there since?

A. No.

Q. Do you regard the presence of an ether cone as absolutely necessary in a hospital of that kind?

A. Well, I have administered ether at the Massachusetts General Hospital for a year at a time constantly, and I have etherized a good many patients, and I must confess that I don't know what an ether cone is. If you mean a sponge in the form of a cone, of course I know that, but if there is some special instrument called an "ether cone" I don't know it.

Q. Well, I believe, doctor, that they have been criticised for not having an ether cone. Some doctor has said he ought to have one and can't get it?

A. Well, I can't say — it may be a very valuable thing, but we have always managed at the Massachusetts Hospital without one.

(Alderman LEE in the chair.)

Q. Well, are surgical sponges necessary down there?

A. If you are going to do any surgery you have got to have things to sponge with — needn't necessarily be a sponge in the ordinary acceptance of the term, like a bath sponge, but you have to have things made of cotton generally, improvised at the time, so that they can be thrown away. In an up-to-date practice of surgery, when things are full of bacteria, they would object very much to using the same sponge, like a sea sponge, over and over again; but it is necessary to have something to sponge with in the ordinary practice of sponging.

Q. Well, how would wads of absorbent cotton do?

A. I think that is what is generally used.

Q. Now, will you tell us what a bristle probang is?

A. Bristle probang — that is a thing that is called a "money catcher." A probang is a long elastic affair with a bulbous end, and between the bulbous end and a little way up the shaft are arranged a series of bristles which, by pressing or turning at the top spread out into a ring shape or close up on a line parallel with the probang itself. It is generally used for children or for people that have fishbones in their throat or children who put pieces of money down. They slip this probang by and turn it and it becomes like a wad and is drawn up and draws the foreign substance with it — used to take stuff out of the esophagus.

Q. Not out of the trachea?

A. No, it would kill anybody to put it in the trachea. I thought you were asking the question seriously, Mr. Reed.

Q. I was asking it in all seriousness, doctor.

Mr. RILEY. — You asked it in a laughing manner.

Mr. REED. — I will tell you what I was laughing at. The chairman

of the committee suggested that if a bristle probang was used in that way it might make a duty for the medical examiner. That is what caused me to smile.

Q. Now, I will quote from the testimony in order that you may see upon what I base the question. One of the witnesses who has testified here, a physician, in referring to a case in the hospital at Long Island which culminated fatally said that if he had had a bristle probang the case might have resulted differently, or words to that effect. When questioned he was asked: "Well, what would you have done with a probang if you had it there?" His answer was: "Perhaps there was another piece down there, farther down, and I could have put the probang down beside the meat and pulled it up, and would have cleaned out the trachea.

"Q. What would you have done with this piece of meat that you did get out, with the probang, if you had had it—anything?

"A. No, if I could have got hold of it with my fingers, as I did, or the forceps, I wouldn't have used the probang; but I say it is a doubt in my mind but what there was another piece farther down, and even if we had the probang at the time I was called I may have saved his life; I may have or we may have." A man, according to that physician's testimony, had a piece of meat in his trachea and died of asphyxiation, and when asked how long that obstruction was there he said, "Perhaps four or five minutes." Now, would that be a sudden death by asphyxiation—four or five minutes?

A. Well, of course it all depends on the degree and the cause. A person may be three or four minutes or five minutes in being asphyxiated by drowning. He may be all night getting asphyxiated with foul air; but in the case of the insertion of a foreign body, like a piece of meat, which as a rule does not go into the wind-pipe but goes down and sticks in the back part of the throat, which prevents the entrance of air just the same, although the death is said to be by asphyxiation, and is from asphyxiation in some sense, because the air does not get in—really the man dies of apoplexy, and the death takes place right off, within thirty seconds. I have had two or three cases come under my official observation, one on Market street a few years ago, where a man ravenously hungry sat down at the table and bolted his food, and after taking one large mouthful of meat suddenly rose and fell on the floor dead. The post-mortem showed all the signs of asphyxia, and I removed from the back part of the throat—not from the trachea, but from the upper part of his esophagus—a piece of meat as large as that. Now, the only good of a probang such as this bristle probang is, as I say, for little things in the esophagus, to pull them up, or the probang may be used to push things down into the stomach, where they can take care of themselves. In regard to the wind-pipe, it is only small things that can get in there on account of the narrow neck in the glottis—a very narrow affair. In that case you cannot do anything with a probang at all. The largest thing I ever saw get down there was a small stick of asparagus. I have found in a man's lungs peas, beans, and asparagus, but I never found anything any larger.

Q. Well, after your two examinations of the hospital, what was the impression left in your mind as to the suitability of the building for the purposes, as to the medical treatment which the patients received, and as to the care, and attendance, and the food?

A. As I say, I can only speak of the food as I saw it in the institution building, but it struck me, as far as the hospital itself was concerned, that the building was admirably appointed for the care of the sick that were admitted to it under those conditions, and of course I had to take the statement as to the number of nurses. There was one nurse to each female ward, and one male nurse to each male ward. That seemed to be sufficient for the purposes of the cases that were

then there; and there was an ample supply of instruments and apparently of drugs. Patients exhibited no lack of care.

Q. You have some acquaintance with the present superintendent, have you not?

A. Yes.

Q. You know him as a physician?

A. Yes, I have known him a good while, since he was port physician.

Q. And you know something of his ability and standing as a physician?

Q. Well, of course, I never have seen any of his practical work except his work as superintendent and as quarantine officer, but his reputation is quite as good as any man's.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Doctor, when you went into the institution kitchen that day in March, did they show you that sink that was sometimes used as a spittoon and sometimes for mixing the bread-pudding?

A. They showed me a sink in regard to which that allegation was said to be made.

Q. They hadn't at that time put in the new mixing trough for the bread-pudding?

A. At neither of my visits had there been any change in the condition of things.

Q. Then your visits were very near to one another?

A. Yes, I think one in the early part of March and the other in the middle or latter part of April. It can be fixed by the date of Dr. McCollom's visits, because I was there with him, and I don't know what the date was.

Q. Well, they were both after this investigation began?

A. Yes.

Q. You hadn't been at the hospital at all the time that the visitors described?

A. I had been there at the time Mr. Galvin was superintendent there, too.

Q. Mr. who?

A. When Mr. Galvin was superintendent I have been there.

Q. But that was before that new hospital was opened?

A. Yes, sir.

Q. I say you have never been in this new hospital which the visitors described in the report of February 16, 1894?

A. Well, that I don't know, because I haven't seen that report.

Q. Haven't seen the report?

A. No, sir.

Q. You are acquainted with Dr. Charles T. Putnam, chairman of the Board of Visitors?

A. I know him by sight.

Q. You know his reputation as a physician?

A. I have simply heard him always well spoken of as a children's physician?

Q. You don't know him personally?

A. I only just know him by sight. I haven't any other acquaintance with him. His brother was a classmate of mine at college, but Dr. Charles Putnam I don't know personally.

Q. And you came down to this hospital at the request of Dr. Cogswell?

A. I did.

Q. Made to you some days before you came down?

A. Yes, some days or some weeks.

Q. And you don't know what changes were made or how much the hospital was prepared for your visit?

A. No.

Q. If it was so prepared?

A. No.

Q. You spoke of the cases there being chronic. What do you mean strictly by a chronic case?

A. Well, a person in consumption is a chronic case.

Q. That is chronic and incurable both.

A. Well, I don't know exactly what is incurable in that respect, because consumption gets well. I have autopsied a good many people who have recovered from it, who have got well, and who have then been killed by railway accidents. I don't know how many doctors cure, but cases do get well.

Q. Then there are chronic cases that do get well?

A. Yes, sir. The syphilitic cases there do remarkably — they get well.

Q. Then they are not in any sense hopeless cases — the cases that are down there?

A. Oh, you mean as a whole?

Q. Yes.

A. Of course I cannot characterize all the patients in one class. There are people there that are dying of that which is classified as a disease and isn't a disease — that is, old age. Well, they can't cure that. And there are other cases there of syphilis and other things that get well, at all events either in or out of the institution.

Q. Well, you were present at the hearing yesterday when Mr. Tudor testified, were you?

A. No, sir, I was not.

Q. You didn't hear his testimony, then. You heard none of his testimony in regard to the absence of ventilation down in the building?

A. No, sir.

Mr. REED. — Absence of system, wasn't it, Mr. Brandeis?

Mr. BRANDEIS. — No; he said there was no ventilation there at all, didn't he?

Mr. REED. — What he called ventilation — proper ventilation.

Mr. BRANDEIS. — And he said this room was not a fit place for the mothers and children.

Mr. REED. — I don't remember his saying that.

Mr. BRANDEIS. — Don't you?

Mr. REED. — He may have said it, but I don't remember it.

Mr. BRANDEIS. — We can recall that, if you like.

Q. Doctor, in making your statement about the ventilation did you mean to have the committee understand that you considered the ventilation good in the maternity ward of the hospital?

A. In the new hospital — in the place where the women are confined — it seems to me that the method of ventilation of that room could be very much improved.

Q. In what respect?

A. At present they have only the transom into the hall, or the ventilation by opening the windows. Now, I think a better and more suitable system of ventilation could be adopted for that particular room, and I presume by a very simple device, such as you may have here for ventilating this room possibly. I am not an expert on that matter and I don't know. But I do not mean to be understood as conveying the idea of referring to the room where the mothers and children are in the institution.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) The room I had reference to, doctor, was in the institution building.

A. Yes, and I think Mr. Brandeis did not understand that, and I

wanted to be quite clear that I was not contradicting or going against Mr. Tudor, in that matter.

Q. I was questioning you in regard to that nursery ward in the institution building.

A. Yes.

Q. And I did not misunderstand you as referring to that other ward, did I?

A. Oh, no, no. I meant to say that. But I thought Mr. Brandeis thought that I meant that the maternity ward in the new hospital was splendidly ventilated when Mr. Tudor had said it wasn't, and I wanted to make that clear.

Mr. BRANDEIS. — Mr. Tudor gave his testimony in regard to the absence of any system of ventilation in the institution building, and I wanted to turn to his testimony, but the stenographer who took it yesterday is not here.

Q. (By Mr. REED.) I did not ask you, doctor, as to the system of ventilation throughout the institution building. I understood Mr. Tudor to testify that there was no comprehensive system — in fact, no system for the entire building, the main building in the institution, but that he had devised a plan which he had submitted to the City Architect which had been approved by the City Architect, which awaited the funds or its execution. But I wished to call your attention to the wards in the upper part of the building, and to ask if you observed the ventilators through the ceiling?

A. That matter I have already testified to. I think the ventilation throughout the building could be very much improved, of course, by modern methods; but at the same time there was very strong ventilation in those upper rooms at the time I was there.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) If, Doctor Harris, we should be correct in our recollection that Mr. Tudor testified specifically that those upper rooms were without any proper system of ventilation and that it was an unfit place for women and children, wouldn't that affect somewhat your opinion on that score?

A. Oh, not at all. Because a man who is a very fine expert insists on a very fine machine, and perhaps an ordinary common man cannot get that, but I think there was a mighty sight better ventilation in the upper rooms than in the average building in this city.

Q. Well, wouldn't you, perhaps, find this difference, doctor, in your testimony and Mr. Tudor's — that Mr. Tudor was there off and on for the purpose of examining the building with this very purpose of providing a system of ventilation, and that he saw it at all times, whereas you were there at a time when you were expected and when the place was ventilated for your benefit?

A. I really don't think I was expected, Mr. Brandeis, and I think when there is breeze enough in a room to fly a kite, there is quite ventilation enough for mothers and children.

Q. His testimony was that you couldn't open the windows because these people couldn't stand the open windows, that that was the very thing they couldn't stand?

A. But this wasn't a question of open windows. I was much misunderstood if you took it that way. I said there were three large ventilators, which I think possibly two of three people lashed together could drop through, coming from the roof down into this place.

Q. Wasn't his testimony that they have got to have a supply of air in order to get along well, and that there is no method of supplying air at all, no comprehensive system, and that is the reason why he has been employed by the City Architect to provide a method of ventilating the whole building, one part as well as another?

A. Oh, I have no doubt the system of ventilating the whole building could be very much improved, but in regard to these two rooms, I am very sure, from what I saw that day, that if they didn't close those ventilators the children could go coasting that forenoon. It was a snowy day.

Q. Well, that is hardly a method of ventilation that you would recommend at Long Island?

A. It shows that the air gets into it.

Q. So it would if they didn't have any roof — there would be plenty of air and tolerable ventilation.

A. Certainly, but these are simply holes in the roof and do not interfere with the room being warm.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) I did not mean to ask your opinion as an expert on ventilation, doctor. I was merely inquiring as to the presence of those holes in the ceiling?

A. Yes, they are what are commonly called "ventilators," whether they are or not.

Q. Is there any doubt in your mind that those holes in the ceiling were there?

A. I think you are jollying me. Of course they are there. Why, nobody could have been in that institution two days and not have seen those three big holes up there.

Q. An officer who has served in the institution many months testified that those ventilators were not there, and I simply wished to ascertain the fact, to get your opinion as to whether the ventilation was proper or was a scientific system of ventilation. You have assured me that you saw those ventilators there?

A. Oh, yes.

Q. That is the testimony I was after.

A. Of course we all know that Mr. Bunyan wrote about the man so engaged in terrestrial pursuits that he didn't see the crown of glory overhead.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Whether the air would come in or not would depend on whether they were open?

A. Precisely.

Q. It might be that they were open for your benefit or anybody's else?

A. I don't know. They were closed for the benefit of the inmates. That I do know.

Q. (By the CHAIR.) You hadn't been served with a banquet, doctor, before you saw those openings?

A. No banquet — and besides there were three holes. (Laughter.)

Mr. Reed said that Dr. Hibbard, a witness whom he expected, was not present.

(Adjourned at 9.45 P.M., to Tuesday, December 18, at 4 o'clock P.M.)

FIFTY-SECOND HEARING.

TUESDAY, December 18, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALLSTRAM presiding.

FREDERIC TUDOR. — *Recalled.*

Q. (By Mr. REED.) Mr. Tudor, you were foreman of the Grand Jury, were you not, that visited Long Island?

A. Yes; some time last summer, I think.

Q. Since that time, I understand that you have written to all the members of that jury in regard to the institution at Long Island and have received replies. Is that correct?

A. Yes.

The CHAIRMAN. — Was this communication an official communication from him, from the foreman of the Grand Jury to the Grand Jury?

Mr. REED. — I was trying to find the communication, Mr. Chairman.

Mr. BRANDEIS. — Do you propose to offer any communication, Mr. Reed?

Mr. REED. — I have not proposed anything of the kind yet, sir.

Q. Is that a copy of the letter which you wrote to the different gentlemen who served upon the Grand Jury?

A. It is.

Mr. REED. — Now, I propose to ask Mr. Tudor to read the letter which he wrote.

Mr. BRANDEIS. — I object. Mr. Tudor, you may wait.

The CHAIRMAN. — State your objections.

Mr. BRANDEIS. — I understand that Mr. Tudor has been having some communication with the Grand Jurors. It would be very proper for him to have that communication, but it certainly cannot be proper to introduce such communication to the Grand Jurors before us here in evidence. The Grand Jurors are able to testify on this, and we should be glad to have them here and to cross-examine them; but it certainly cannot be proper for Mr. Tudor to write to different people whom he thinks know, whom he has good reason to believe know, something about this institution, and ask for their opinions, and then introduce communications of that kind here. It really is not proper evidence at all. I think the chairman's question, whether this is an official communication, was a very pertinent question and ought to have been answered.

Mr. REED. — What is that?

Mr. BRANDEIS. — I say it seemed to me that the chairman's question, whether this is an official communication, was a very pertinent question and ought to have been answered by counsel.

Mr. REED. — Well, it will be if you don't object too much, Brother Brandeis.

Mr. BRANDEIS. — I object to the introduction of any such evidence as it is proposed to introduce by putting in these communications.

Mr. PROCTOR. — Well, Mr. Chairman, a letter was put in from Mr. Blackstone, the superintendent of the State Almshouse, to James R. Cutter. It was offered in evidence and put into this case, and that having been held by the committee to be competent I am unable to see why these letters are not as competent. If this committee is looking for

light, and if my Brother Brandeis is looking for light, as he professedly is, here is the light, and let us have it.

MR. BRANDEIS. — No; I don't think it is light at all. I know nothing about the letter from Mr. Blackstone to Mr. Cutter. I have not heard of that and don't know what you refer to.

MR. REED. — The committee know all about it.

MR. BRANDEIS. — I understand that the committee have many peculiar advantages over me in this respect, and may know all about it, but I have never heard of it, and I certainly don't know to what you refer. But I cannot conceive how any Grand Jury communications made by the witness to several other people can be evidence here. I suppose the witnesses can be introduced.

MR. REED. — Well, Brother Brandeis should not begin at this late day, Mr. Chairman, to lay down any rule of procedure for this committee. We appear here for the defence. The prosecution, as it has been called here, has endeavored to make out a case. They have followed certain lines laid down by the committee. We are not undertaking to deviate from those lines at all. We claim the right to put in our defence as the other side of the case was put in, and the letters to which attention is called now are certainly as competent as the letters which were put in by the other side.

MR. BRANDEIS. — What letters do you refer to that I put in, Mr. Reed?

MR. REED. — I did not refer to you at all, Mr. Brandeis.

THE CHAIRMAN. — The Chair would like to ask Mr. Reed what he proposes to show?

MR. REED. — I propose to show that the letters have been written by Mr. Tudor, who was foreman of the jury, and that certain letters were received by him in reply to those letters.

THE CHAIRMAN. — When were those letters written and the answers received?

MR. REED. — The letters will show for themselves.

MR. BRANDEIS. — Cannot you state it?

MR. REED. — I cannot without going farther.

MR. BRANDEIS. — The question for the committee to decide is whether or not the witnesses themselves could not be produced.

MR. REED. — That same question has been raised before in reference to other letters. There wasn't any question raised whether Father McAvoy could be produced before the committee.

MR. BRANDEIS. — That letter was offered for a very different purpose.

MR. REED. — I have simply asked Mr. Tudor to read the letter which he has written to the various members of the Grand Jury and objection is made to it. I don't understand why.

MR. BRANDEIS. — You do understand why perfectly.

MR. REED. — Oh, no, I don't under the procedure we are following here. I don't care to know from you, sir.

MR. BRANDEIS. — You don't care to know?

MR. REED. — Not from you, sir.

MR. BRANDEIS. — Then I won't tell you. But I think the chairman and the gentlemen of the Board know perfectly well why no such procedure should be permitted.

THE CHAIRMAN. — It seems to the Chair as though the committee is here for the purpose of getting all the facts that it can, and that the witness is here to tell the facts he knows and not what some one else knows. He could not give difference of opinions of other parties, but substantially the knowledge that he himself has.

MR. REED. — I had supposed, Mr. Chairman, that we would be granted the same opportunities that have been granted the other side. Certainly a letter from the superintendent of some other institution in regard to a man who has been an inmate of that institution could not be any more

competent than the letter which I now offer here in regard to the institution at Long Island. The writer of that letter could have been produced here equally well with the writers of these letters.

Mr. BRANDEIS. — You could produce a communication from a public officer.

Mr. PROCTOR. — Ah, but a member of the Grand Jury is a public officer.

Mr. BRANDEIS. — I think not.

Mr. PROCTOR. — I think so.

Mr. BRANDEIS. — I think not under any possible construction of the terms of the law. This other letter, being an official letter, was different.

Mr. PROCTOR. — It was not official.

Mr. BRANDEIS. — What was the nature of the letter?

Mr. PROCTOR. — A personal letter written to a man who has been an inmate of the Westboro' Almshouse or State Farm.

Mr. REED. — I might say, Mr. Chairman, that when Mr. Tudor was on the stand before I had it in mind to offer these letters, but I thought, as the chairman now thinks, that perhaps it would be the best evidence to get the writers of the letters here. So I delayed bringing this before the committee until this time. But, being unable to bring those men here, I simply ask now the same rights that were granted not perhaps to Brother Brandeis but to Brother Riley, who certainly represented somebody here, although as far as we have been able to ascertain we cannot tell whom. Being unable, as I say, to get the writers here I now want to give the committee the benefit of the visit of the Grand Jury.

Ald. FÖTTLER. — Mr. Chairman, it seems to me that the committee is entitled to listen to the contents of this letter. On page 2152, I think, of the thirty-sixth hearing, a letter was read before this committee, notwithstanding the counsel for the defence objected all the way through. In spite of that objection the letter, as I see here now by the testimony, by the minutes of the testimony, was read piecemeal, and finally the letter is printed here in full. I think this is a case exactly like that one, and I move that this letter be read.

Mr. BRANDEIS. — As far as the letter Mr. Proctor has referred to is concerned —

Ald. FÖTTLER. — You will find it on the next page, I think, in full, but it was read piece by piece with objections all the way through.

Mr. BRANDEIS. — (After examining letter referred to.) Why, isn't that a letter written in the course of official duty? It seems to have been in answer to certain inquiries in regard to certain property that Mr. Cutter asks for.

Ald. FÖTTLER. — Well, read the letter in full, on the next page.

Mr. BRANDEIS. — Yes, that is what I am reading, but it appears to be in answer to an inquiry for certain property which Mr. Cutter had at the institution. I don't know anything about the facts, as that relates to a part of the case with which I had nothing to do, but that seems to be hardly a reason for putting in these letters at this time.

Ald. FÖTTLER. — Well, I can't see any particular difference. Of course I don't know the contents of this letter. I don't know what it is really, but it seems to me to be a parallel case.

Mr. BRANDEIS. — Well, why cannot any statement made by anybody be put in here from hearsay?

Mr. PROCTOR. — You have been putting in more hearsay than you have direct testimony, Brother Brandeis. You wouldn't say that that isn't so, would you?

Mr. BRANDEIS. — Yes, I will deny that statement, certainly.

The CHAIRMAN — Alderman Föttler's motion is before the committee, in regard to the letter. Is there any more than one letter, Mr. Reed, that you desire to put in of this nature?

Mr. REED. — Only that letter and then the replies to it.

The CHAIRMAN. — Have you the replies ?

Mr. REED. — I have the replies in my hand.

The CHAIRMAN. — Well, then, perhaps we had better put the question on the first. The question before the committee is, shall the letter of Mr. Tudor to the members of the Grand Jury be admitted as a part of the evidence ?

Mr. BRANDEIS. — I think, Mr. Chairman, that the dates of those letters and the replies are proper to be put in evidence.

The CHAIRMAN. — Are you ready for the question ?

The question was put, and Alderman Fottler's motion was declared carried.

Q. (By Mr. REED.) Read the letter Mr. Tudor.

A. (Reading :)

95 MILK ST., BOSTON, March 26, 1894.

MY DEAR SIR: Will you kindly write to me by return mail telling me whether you observed anything at Long Island deserving of censure when we made our visit there, and if not, whether you were favorably impressed by what you saw ?

Please reply today and greatly oblige

Yours truly,

FREDERIC TUDOR.

Q. (By Mr. REED.) Did you send that letter, Mr. Tudor, to each member of the Grand Jury with whom you served ?

A. To twenty-two men, I being the twenty-third.

Q. Did you receive replies from many of them ?

A. I don't remember the exact number, but I think from nearly all of them.

Q. Is there a reply attached to the letter which you have just read ?

A. Yes.

Q. Will you kindly read that ?

A. (Reading :)

DEAR MR. TUDOR: I didn't go, so can't really say much on the subject.

Yours,

W. C. LEWIS.

Q. Will you kindly look at this letter, Mr. Tudor, and see if this is one which you received in reply to the communication which you have read ?

A. Yes.

Q. Will you kindly read that ?

A. (Reading :)

F. TUDOR, 95 Milk street, Boston, Mass. :

DEAR SIR: Yours under date of March 26 was received by me on my arrival home last evening. Should have answered you earlier if I had been able to do so, but as it was late on my arrival home last night I hasten to answer by this morning's mail. I did not make the trip to Long Island, business preventing my going. This I believe answers your inquiries, and I remain, as ever,

Yours truly,

ALBERT S. CASWELL.

Q. Is that another of the replies, Mr. Tudor ?

A. Yes, sir.

Q. Read that, please.

A. (Reading :)

BOSTON, March 27, 1894.

DEAR SIR: In answer to your note in regard to the visit to Long Island, I saw nothing but what I considered was all right.

Yours truly,

G. J. G. DOHERTY.

Q. Is that another of the replies?

A. Yes.

Q. Will you read that?

A. (Reading:)

CHELSEA, MASS., March 27, 1894.

MR. FREDERIC TUDOR:

DEAR SIR: On my visit to Long Island with the Grand Jury I saw nothing to censure the Commissioners for; the window screens that we called their attention to were in process of completion. I was very favorably impressed with what I saw and saw nothing to complain of. I can but say, that, in my opinion, the Commissioners are to be congratulated for the manner in which the buildings are kept and the kindness exhibited by the officials in charge towards the inmates.

Respectfully yours,

GEO. J. PAGE,

Grand Juror.

Q. Is that another, Mr. Tudor?

A. Yes, sir.

Q. Will you read that?

A. (Reading:)

NO. 9 PROSPECT ST., CHARLESTOWN, March 27, 1894.

DEAR SIR: In reply to your query, I was very satisfied with everything I saw in Long Island at my visit there, so far as I could observe.

Yours respectfully,

THOMAS MCBREARTY.

Q. Is that another?

A. Yes. (Reading:)

DEAR SIR: I didn't go with the jury on any of those trips.

Yours truly,

MORTON ALDEN.

Q. Is that another, Mr. Tudor?

A. Yes. (Reading:)

MY DEAR SIR: I am very sorry I can give you no information, but I did not go.

Yours truly,

F. W. FULLER.

Q. Is that another?

A. Yes. (Reading:)

BOSTON, March 27, 1894.

MR. FREDERIC TUDOR, 95 Milk Street:

DEAR SIR: Your favor of 26th inst. in regard to my visit to Long Island last summer at hand. In reply will say, that I was very favorably impressed by what I saw there. There was surely nothing deserving of censure.

If I were to make a suggestion it would be to have wire nettings for the windows and doors, to keep out flies during the summer.

Yours very truly,

WALTER T. TILTON.

Q. Is that another letter, Mr. Tudor?

A. Yes. Shall I read it?

Q. If you please.

A. (Reading:)

BOSTON, March 27, 1894.

FREDERIC TUDOR, Esq.: Yours of the 26th received. Did not visit the institutions.

Yours truly,

JOHN M. JORDAN.

Q. Is that another?

A. Yes, sir. (Reading:)

MARCH 27, 1894.

MY DEAR SIR: Did not visit Long Island with the others.

Respectfully yours,

E. W. HUNTRESS.

Q. Is that another?

A. Yes. (Reading:)

430 BENNINGTON STREET, March 27, 1894.

MY DEAR SIR: When we made our visit to Long Island I saw nothing at all deserving of censure; but, on the contrary, thought that everything that came under my observation was worthy of commendation.

Yours truly,

JOHN M. CUNNINGHAM.

Q. Is this another?

A. Yes, sir. (Reading:)

178 PRINCETON STREET, EAST BOSTON, March 28, 1894.

FREDERIC TUDOR:

DEAR SIR: Yours to hand of late date; as I did not go to Deer Island with the Grand Jury, therefore did not see anything deserving of censure. Very glad to hear from you just the same.

I am,

Yours respectfully,

H. BUCHANAN.

Q. All those letters you received, Mr. Tudor, from members of the Grand Jury who visited Long Island with you, did you not?

A. Yes.

Q. Now, do the statements there from the gentlemen who visited Long Island with you correspond with your judgment of the institution?

A. They do.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Tudor, how many went down to Long Island?

A. As I remember there were six or seven.

Q. Six or seven?

A. It seems to me that that was about the size of the party.

Q. Where were the rest of the Grand Jury?

A. Well, didn't go, I suppose.

Q. Well, you knew that wasn't a quorum, didn't you? You couldn't act on anything with so small a number as that.

A. We didn't go with that view, we didn't go officially.

Q. Oh, you didn't go officially at all?

A. Certainly not.

Q. Simply went down from curiosity?

A. I didn't suppose I had any right to address those men officially when it wasn't official.

Q. And this was not in any way an official communication?

- A. Not at all.
- Q. Merely a personal matter of yours?
- A. Purely personal.
- Q. And you went down there on a purely personal investigation?
- A. Simply because I happened to meet these men and somebody proposed going down.
- Q. You had been down there before, had you?
- A. Yes, sir.
- Q. When was this visit?
- A. These letters are dated March, and it must have been —
- Q. Dated March, 1894. Now, when did you make the visit down there?
- A. Must have been a little more than a year ago.
- Y. Well, it was in January, was it?
- A. No, it was while our jury was in session. That was between July and January. And this was written after our jury was discharged. These letters were written after we were discharged.
- Q. How did you happen to ask them to go down there?
- A. Because this hearing had begun and some evidence had been brought in here, as I remember it, which I thought was mistaken evidence, and it seemed to me so important to bring the evidence the other way that I at once wrote to these gentlemen.
- Q. No, but I mean how did you happen to go down then?
- A. Well, because some one of the jurors got up and proposed going to see all the institutions; and I said, "Very well, I will be glad to go with you to Long Island, because I know the ropes a little there." And I did go with them there, but not to the other places.
- Q. You didn't go anywhere except to Long Island?
- A. No.
- Q. Well, you let them know you were going, I suppose, before you went down?
- A. Certainly; I agreed that I would go down with them.
- Q. I mean you let the Commissioners know?
- A. Certainly did.
- Q. Didn't spring it on them and suddenly spring in and see how things looked there?
- A. I will tell you. I asked to go Saturday. The Commissioners said, "No; Saturday is the day of all days when we prefer not to have you go, but any other day that you may arrange for we will be glad to have you go."
- Q. Well, how soon was this Saturday after the time when you talked with them?
- A. I don't know just the Saturday.
- Q. No, but I mean the Saturday you wanted to go?
- A. I think perhaps that very week.
- Q. And they objected to your going on that Saturday, did they?
- A. Yes, or any Saturday.
- Q. Did you tell them when you would go?
- A. No.
- Q. What did you tell them?
- A. They said, "You can go any day that you desire to make arrangements to go except that."
- Q. But not that Saturday?
- A. No, any day but Saturday.
- Q. And what day did you announce?
- A. I don't think we announced any day. I don't remember.
- Q. When did you go?
- A. If I recollect aright, Wednesday afternoon.
- Q. Following that Saturday?
- A. I think so.

Q. Well, now, when you went down there did you point out to these gentlemen the defects in the ventilation which you have testified to?

A. I probably did.

Q. How do you account for the fact that they don't find anything down there to be corrected excepting the putting in of some screens?

A. With regard to the ventilation, it was summer and all the windows could be opened.

Q. Then they thought the ventilation was all right then. They didn't remember that you had pointed out to them the fact that there wasn't any ventilation?

Mr. REED. — But perhaps they did. How does he know what they remember.

Mr. BRANDEIS. — Well, perhaps he remembers more about it than they. I will suggest that if you keep quiet the witness can answer the question better.

Mr. REED. — I will not keep quiet at your request, sir.

Mr. BRANDEIS. — Will you answer the question?

The WITNESS. — Was any question put to me?

Q. (By Mr. BRANDEIS.) My question was, whether you have any explanation to give of the fact that they had apparently forgotten your criticism on the ventilation?

A. Well, where would they have got the criticism?

Q. I asked you before whether you had told them about how the ventilation was in that building?

A. I don't think I did.

Q. You don't think you said anything to them about it?

A. I don't remember, however. I think if I said anything I told them I had been employed to improve the ventilation.

Q. Had you been employed at that time, when you went down there?

A. Yes, sir.

Q. You were employed there already?

A. Yes, sir; have been at work there three years.

Q. On that institution building?

A. In that building, sir.

Q. Well, you have been employed in the new building?

A. Yes, sir.

Q. Well, of course the work you have done there is all right, the ventilation of the new building, but didn't you tell them the old building needed ventilation?

A. I think at that time I may have told them that the plan was under way or had been contemplated.

Q. Was the plan under way at that time? Were you at work on it at that time?

A. I think so. I feel sure that it must have been as early as that.

Q. You were not the first to work on a plan?

A. No, the first plan was that of the B. F. Sturtevant Company.

Q. The Blower Company?

A. Yes, sir.

Q. And you advised against that plan?

A. No, the plan was changed because, as I understand it, they didn't want the embarrassment of electric motors.

Q. Then they came to you?

A. They asked me to work on a plan that would work by hot air.

Q. And are you able to fix the time you began yours?

A. I cannot say.

Q. You don't remember it now?

A. I can't now.

Q. Some time during the year 1893?

A. I should say so.

Q. The latter part of the year?

A. I should think so, while I was on the jury.

Q. Now, your plan contemplates ventilating the whole building?

A. Yes.

Q. And for a part of that plan the contracts have already been let?

A. Yes, sir; there was one large contract in items, and one item was the ventilation of this building. That contract has been awarded with the exception of this item, as I understand it, for want of an appropriation.

Q. But no part of this has been awarded yet on this building?

A. No, not on this building.

Q. Well, now, your plan contemplates ventilating every part of the building?

A. Yes.

Q. And you testified the last time that the part of the building on the top, which is the nursery where the women and children are, needed ventilation, needed a thorough system of ventilation, didn't you?

A. I did.

Q. Now, isn't there already a system of ventilation there?

A. Not what I call a system of ventilation.

Q. Well, aren't there some large holes—what the common people call “ventilator holes”—in the roof?

A. Yes. So there are in this room. But it isn't ventilated any better for all that.

Q. I don't see them in this room.

A. Well, they are there.

Q. They are here in this room, are they?

A. Yes, sir.

Q. Where are they?

A. I can't tell you now, but I think behind the arches. I knew once, and I think I know now, but they don't ventilate the room all the same.

Q. Now, it is said that these holes in the roof of that nursery were so large that there would be quite a lot of snow in the room—practically a snow-storm in the room, if you opened the ventilators?

A. At times possibly; yes, sir.

Q. Well, is that a good system of ventilation?

A. I don't consider it so.

Q. Well, is that a system at all of ventilation?

A. No, it isn't. That is accidental ventilation.

Q. Well, what is the objection to that?

A. Well, because when the wind blows, you get lots of cold air and drafts, and when there isn't wind, you don't get anything at all.

Q. Well, is it feasible—the opening of those holes, whatever they are, holes in the roof of the building, for purposes of ventilation?

A. I will tell you what the effect would be if the windows are kept closed. The effect would be that you would draw the foul air from the lower parts of the building into that attic.

Q. That is, it would be worse than if you didn't have any holes there?

A. It wouldn't be an improvement unless the air downstairs had not got so foul as it was upstairs; but a true system of ventilation would bring in fresh air properly and warmed to the right degree and not foul air from other parts of the house. It is true that the windows could be opened, but I don't believe, as a matter of fact, that those women there would allow the windows to be opened in winter, and if they were opened they would shut them.

Q. And the holes in the roof would be closed, too?

A. You would have to close the windows or they would make a row about it, if there was a cold draft coming in there. I do not mean to

say that the ventilators would not draw the air out, but the trouble is that with the arrangements there they would certainly not supply any fresh air in the room.

Q. Well, is there anything at all gained by having those holes in the roof, as they are down there?

A. Well, a little something. I shouldn't call it a system of ventilation, but it is better than nothing.

Q. Well, it is better than nothing if you open the windows?

A. Yes, and it is better than nothing if the valves in those ventilators were opened, because you would draw up air from downstairs.

Q. Well, when you have been up there from time to time were those valves opened or were they closed?

A. Well, I didn't observe them particularly.

Q. Have you ever observed their being open?

A. No, sir; I haven't observed the position of those valves at all.

Q. Did you ever have any sensation while in there that would lead you to believe that the valves were open?

A. My sensations in that building were that it needed ventilation throughout, everywhere. That is all I can testify about it. I didn't look into the details because I didn't think they were worth looking into.

Q. And you have a very distinct impression that that was the sensation you always had while in there?

A. Yes, sir; it smells offensively. My impression is that I wanted to get out of the building as quickly as I could.

Q. It smelled offensively in every part of the building?

A. Yes, sir.

Q. Upstairs as well as downstairs?

A. Yes, sir; everywhere.

Q. In the nursery-room as well as in the infirmary below.

A. Yes, sir; everywhere. The place was clean, the house was clean, and any person who didn't have a sense of smell for those things would say that there was nothing to be found fault with, but to a person who notices whether air is good or bad it smelled very badly indeed.

Q. Well, you were there often enough to really observe it?

A. Yes, sir; had to go through the building under all conditions.

Q. How many times have you been in there approximately?

A. I should think ten or twelve times under varying conditions, at different times of the day, for example.

Q. And different times of the year, also?

A. Yes, sir.

Q. And have always had the same sensation?

A. Yes, sir; always.

Q. Always the same offensive odor?

A. Yes, sir; and always wanted to get out as quickly as I could.

Q. Mr. Tudor, what became of the other letters. There are only twelve here, I believe — what became of the other ten?

A. Well, all the letters that I received I gave to Mr. Reed, and I don't think I received twenty-two letters.

Q. Well, do you remember how many you did receive?

A. I should think — no, I don't. I should think twelve or fourteen, something like that. I know that some of the parties did not reply at all.

Mr. BRANDEIS. — Have you any other letters, Mr. Reed?

Mr. REED. — That is all I have, sir.

Mr. BRANDEIS. — Is that all you received from Mr. Tudor?

Mr. REED. — I presume so. I had them all together.

The WITNESS. — I didn't count them at the time. My recollection of the letters is this, that they all said they didn't go, or didn't answer, or gave letters substantially alike.

Q. Now, what time in the day did you go down?

A. The afternoon — quarter past two boat.

Q. Do you remember the day on which you went down — at what time in the year?

A. I should think it was in the autumn.

Q. How late in the autumn?

A. I should think it was in September.

Q. September?

A. Seems to me it must have been. I know flies were very plentiful — it seem to me that might be an indication.

Q. And you think that was the occasion for mentioning the necessity for screens?

A. Yes, there was a necessity for them, no doubt.

Q. Then when did you come back? You went down on the quarter past two boat and got there when? You went first to Deer Island?

A. Yes, and then we went there. I should think we spent perhaps three-quarters of an hour in each place.

Q. You remember three-quarters of an hour on Deer Island and three-quarters of an hour on Long Island?

A. I should think so.

Q. And did you meet Dr. Cogswell down there at that time?

A. He might have been on the wharf. I don't remember speaking to him.

Q. Did you have lunch with him?

A. No.

Q. You spent three-quarters of an hour on the island?

A. I should think about that time.

Q. Well, you showed the committee the new buildings that were going up?

A. We went through all the buildings; yes. The hospital was in use.

Q. The hospital was in use and you saw that and the institution buildings?

A. We went through that.

Q. And did you also show them anything else on the island?

A. No, only in the hospital and the institution itself. We went through the men's wards, dining-room, kitchen, basement, the loafing-room, smoking-room, and looked at the water-closets — looked at everything pretty thoroughly.

Q. You took them through the buildings?

A. Yes, sir.

Q. You did it yourself, being familiar with them?

A. I think I was pilot — yes, sir, I think I led them.

Q. Did you confer with any of the physicians down there at that time?

A. I might have spoken to them just as I would at any time.

Q. Yes — in passing,

A. I think I might. I don't remember speaking to any one. If I did I think I said I came down with some of the Grand Jury. I might have announced who they were.

Q. Well, what part of the institution did the Grand Jury investigate particularly in that three-quarters of an hour?

A. I couldn't say. They went right through the building, basement and everywhere.

Q. Simply passed through?

A. Passed through, and I think some of them stopped and conversed with the inmates. I didn't, but some of them did. Some of them recognized friends — former friends — there.

Q. There was nothing especial, then, that they investigated — simply taking a general view of everything there was?

A. A general view, just as any person would. They had no particular axe to grind. They just wanted to see for themselves.

Q. Taking a general view of what there was down there and that, you say, was five or six days after you spoke to the Commissioners about it?

A. I should think so.

Q. About going down?

A. Yes.

Q. So that they might have had time to clean it up and get it in shape?

A. Well, I don't know that I have a right to state anything about that, about the cleaning up, etc., but I have heard and read the testimony of witnesses who stated that the buildings had been cleaned up because a visit was expected.

Q. Yes.

A. Well, now, I don't think anything of that kind ever occurred.

Q. Well, how do you know whether it happened or not?

A. Well, I will tell you — because the place seemed to be whenever I was there always clean. That is my impression of the cleanliness of those buildings, both there and at Deer Island — that they are always in a clean condition: but where there are great crowds of people together, people who are not originally cleanly in their habits, there will be accumulations of dirt in spite of all you can do, and I don't doubt that visits may have been made just at a time when they were cleaning up and the officials may have said, "Well, hurry up, now, somebody is coming here and we want to get this dirt out of the way." You would do that in your own house, — anybody would do it.

Q. Then you have no doubt that that was done there?

A. I should think anybody would do it when they knew a stranger was coming to their house and there was a lot of dirt — hurry it out of the way. I don't think there is anything to condemn in that.

Q. Well, you know the Board of Visitors, Dr. Putnam and others, reported that the place was dirty, the hospital and so on?

A. Yes. It has been a great wonder to me how they could do so. I don't understand it.

Q. Quite a number of times.

A. Well, they must have struck them on cleaning days every time.

Q. You think it is a mere coincidence?

A. I do.

Q. That every time they would go down there it was dirty?

A. I never could understand how they could ever give such testimony, because I never have been there as a visitor, have been employed to do certain work down there, and I would appear at any time, no fixed time, and they never knew when I was coming and never knew that I was there to observe and report, and I never saw a cleaner house in the world, except, perhaps, one of the colleges at Oxford. But I would like the citizens of Boston to go down there and learn what a clean house is. If it only smelled better it would be perfect.

Q. That is, in your line it isn't perfect?

A. No, but as far as cleanliness goes I think it is a model. That is my view of it.

Q. And you never noticed any difference in any of the times you were down there?

A. Nothing more than the ordinary accumulation of dirt. For instance, you go into the kitchen when dinner has been prepared and there are potato parings, bones, trimmings off the meat, which have got to be thrown somewhere, swept off and thrown into the tubs. Now, if you go into the kitchen and see those things it isn't very attractive, but an hour after that, it is all swept out and everything is clean again. It is just like going into a factory where there is sawdust, shavings of all

kinds, all littered about, but you cannot call it dirt. It is just the same here—it is just what will collect in the ordinary process of house-keeping.

Q. You think, then, that the visitors were mistaken when they said that every time they went down there, they saw dirt in the hospital and institutions.

A. I do.

Q. You don't think they know what dirt is?

A. No, I think they were mistaken or deceived. All I have got to say is, that I haven't seen any, and I believe I am a close observer. It is my business.

Q. They are used to visiting institutions, also, aren't they? They compared that to the State institutions?

A. Well, you must put my testimony against theirs. That is all I can say about it.

Q. Well, I think that is what the committee will have to do. That is all, Mr. Tudor.

Q. (By Ald. LOMASNEY.) Mr. Tudor, how many men were there on the Grand Jury?

A. Twenty-three.

Q. How many went down?

A. Well, I should think seven or eight. I really don't remember the exact number.

Q. Out of the twenty-three?

A. Yes, that is my recollection. I didn't count them.

Q. Well, give us your best recollection of how many went down?

A. Well, I should say, counting myself, nine.

Q. Well, five answered that there was nothing wrong as far as they could see.

A. If you have counted them.

Q. I have. Seven didn't go. You received responses from twelve members of the Grand Jury?

A. According to the letters.

Q. Seven didn't go and five say that they saw nothing wrong.

A. That leaves ten. That accounts for seven and five, twelve, and leaves ten unaccounted for, doesn't it?

Q. Yes, sir—ten unaccounted for, and about one-half of those who went down respond that they saw nothing wrong.

A. It so appears by their letters.

Q. Do you know the names of the men who did go and who didn't respond?

A. I don't know about the names. I had to go to court to get their names. I didn't remember a single one of their names.

Q. Well, you asked permission to go down there?

A. I went to the Commissioners and they said, "You tell the captain that you are to go down any day you like all right, except Saturday."

Q. When did you let them know you were going down Wednesday?

A. I don't think we let them know.

Q. Well, when did you let them know?

A. Well, say, for instance, I went there Thursday and said I would like to go Saturday.

Q. And they said you couldn't go Saturday, but could go Wednesday?

A. No, any day.

Q. How did you happen to go Wednesday?

A. We agreed on that among ourselves.

Q. Who?

A. The Grand Jury.

Q. Who were there when you made that agreement?

A. Well, we were in our room, after getting through the business of the day.

Q. Well, give us the names of some of the Grand Jurors there?

A. You will have to give me the letters.

Q. Well, give him the letters. Do you remember writing a letter to one of the Grand Jury by the name of Gilbride?

A. Wrote to every one — yes, I remember that name.

Q. Was he there when you made that agreement?

A. I don't know. I can't testify to that. Michael Gilbride; yes, sir, I remember perfectly.

Q. Was he present when you made the agreement?

A. I should say he must have been. It was right after our duties were over for the day, just after we adjourned, at one o'clock.

Q. Was that after you had been to the Commissioners' office and made arrangements to go?

A. That is my recollection.

Q. After that Thursday or Saturday, which?

A. Well, they had appointed me and Mr. — — well, another member, to go up to the Commissioners and get authority to go.

Q. Who was the other member who went up with you?

A. W. C. Lewis.

Q. He was present at the interview?

A. Yes, sir.

Q. What is his first name?

A. Walter.

Q. Where does he live?

A. He is treasurer of a manufacturing company and has an office on Chauncey street — did at that time.

Q. Did he go down with you when you made the visit?

A. No, — says not in the letter here. I didn't know it, but I wrote to him, and there is his letter.

Q. Now, what time in the week does the Grand Jury meet?

A. They met every day.

Q. For how many days every month?

A. Meet every month for about a week.

Q. Well, now, what part of the month do you meet?

A. The first of the month, I think.

Q. The first week in the month or the last week?

A. I think so.

Q. Well, which is it?

A. I don't know — I have forgotten.

Q. Now, what was the date you went down to visit Long Island?

A. I testified previously that I thought early in September — along that time, I should say.

Q. Give us somewhere near the date?

A. The first of September, I should say.

Q. You can't tell whether the first or the last?

A. No, sir, I can't. I should say the latter part of August or the early part of September.

Q. But you do say the arrangement was made right after you had concluded your labors as a Grand Jury for the month?

A. Yes — no, no.

Q. Well, let us have that right?

A. The arrangement was made during the week while we were in session.

Q. During the week while you were in session?

A. Yes, sir.

Q. In the month of August or September?

A. Yes, sir.

Q. Which was it?

A. I would not be exact on that, but I should say in September — that is, providing we met the first week.

Q. You should say September. How many days were you in session that month before you went up to the Commissioners?

A. I should say three or four days.

Q. Then how did you reach the Grand Jurors to tell them to go down Wednesday?

A. Well, you see after I saw the Commissioners Thursday afternoon we met again Friday afternoon and when we adjourned that day I made my report.

Q. That is the way you did it?

A. That is my recollection of it.

Q. Then you told them you were going down Wednesday, couldn't go down Saturday?

A. No, I told them we couldn't go down of a Saturday, but could go any other day we selected.

Q. Then how did you notify the Grand Jurors to go Wednesday?

A. I didn't notify them — they notified themselves — passed a vote.

Q. Passed a vote Friday to visit the next Wednesday?

A. That is my recollection.

Q. Any question about that?

A. Oh, Yes.

Q. Let us have no question about that — how is it?

A. The question might have been put on a Thursday.

Q. We want to settle when you decided officially to go down there Wednesday.

A. You can't get that from me, because I don't know.

Q. You went and saw the Commissioners?

A. Yes, sir; I cannot give you the date.

Q. Was it the day after you reported that you couldn't go Saturday, that you decided to go Wednesday?

A. That is a pretty fine question for me to answer. I can't answer it, can't remember it.

Q. Well, you want us to understand, as a matter of evidence, from you, that the day after you visited the Commissioners the Grand Jurors voted to visit these institutions the next Wednesday — is that right?

A. Substantially, as I remember; it yes. I won't swear it is exactly right — I can't do it.

Q. No, but that is your best recollection?

A. Yes, sir; it is my best recollection.

Q. After voting that way when did you communicate that fact to the Commissioners?

A. I don't think I communicated it at all.

Q. Do you recollect now whether you communicated it to the Commissioners the day afterwards?

A. No, sir, I do not.

Q. Well, could you have done it without remembering it?

A. Very likely.

Q. You will not swear now that you didn't, will you?

A. No.

Q. You might have?

A. Might have, certainly.

Q. And they might have had from your intimation, if you had been talking to them, a notice that you were going down as the Grand Jury the next Wednesday?

A. They might have.

Q. You don't think there is any doubt of it, do you, — after the vote of the Grand Jurors?

A. Yes, sir, I do — I beg pardon.

Q. Do you think there is any doubt about it that they might have had?

A. I don't think there is a doubt that they might have had, but there is great doubt that they did have.

Q. Why do you have a doubt that they might have had?

A. The doubt is this — they said we might go any day but Saturday.

Q. Yes, but they voted to go Wednesday. Now, as a matter of courtesy did you not notify them of the fact?

A. I don't think the question of courtesy would enter into it. I don't think I did.

Q. Had you been to the Commissioners in the meantime?

A. No.

Q. Had you been to the Commissioners' office in the meantime?

A. No.

Q. Still you want the committee to believe that you didn't notify them, or any of the members didn't, that you were going the next Wednesday?

A. I want the committee to get the truth.

Q. How is it? Settle the question and leave it any way you please. I don't care what way you leave it. How is that?

A. Please put the question in a distinct way and I will try to answer it, sir.

Q. Is there any doubt in your mind but what the Commissioners knew you had voted to go down there the next Wednesday?

A. Yes, decidedly.

Q. What makes you think so?

A. I told you that they told me that we could go any day, and we decided on a day, and that ended it. And accordingly on that day we went without further parley with anybody.

Q. Why did you say a moment ago that you might have notified them?

A. Because I can't remember that I didn't.

Q. Then you won't swear that you didn't?

A. I won't swear that I didn't; no.

Q. They might have had an intimation from several of the members, for all you know?

A. Yes, very likely.

Q. You have no doubt that they had?

A. Oh, I don't say that, indeed I don't.

Q. What do you say? I did not hear the first of your testimony, but I understood that you were going on to say that you saw some evidence here that you thought was liable to give a mistaken idea, that there was some mistake. What was that sentence which you left uncompleted?

A. What I said was that I thought that the evidence that the place was dirty, was mistaken evidence, and I was very anxious to bring evidence to controvert that statement.

Q. And you started in to get evidence?

A. Yes, sir.

Q. You were a procurer of evidence?

A. Yes, sir; for myself — not in the way you use the words, "procurer of evidence."

Q. Well, you said you were satisfied that that was mistaken evidence and you started to procure evidence to contradict it?

A. Yes, sir; but that doesn't make me a procurer of evidence in the sense that you mean. I understand it in another way, if you will allow me to explain.

Q. Yes, sir.

A. My feeling was this, that an injustice was being done to those institutions. I am a citizen of Boston and have lived here all my life and my fathers before me. I am proud of this city, and I don't care to see

false statements going out about the mismanagement of our institutions. I felt as a citizen that it was my duty to come up here, and testify and bring others to testify, to what we thought was the truth. In that sense I was a procurer of evidence, and in no other.

Q. How much work have you done for the Commissioners of Public Institutions the last four or five years? How many thousands have you drawn out from that department?

A. I think I have drawn out about \$35.

Q. Thirty-five dollars?

A. Yes, sir; from the Commissioners of Public Institutions.

Q. Well, take the City Architect's Department that you have been doing the ventilation work on?

A. How much money?

Q. Yes.

A. I can't tell you without reference to my books.

Q. But you have only received about \$35?

A. Directly from the Commissioners of Public Institutions. They are not my employers.

Q. No, but when you build a building and you put in your system of ventilation what appropriation is it paid out of?

A. I can't tell you. That is not my part of it.

Q. You haven't put any ventilation in these different buildings, have you—your system?

A. Not in the institution.

Q. What other buildings?

A. The hospital and new dormitory.

Q. Well, the hospital—how much have you drawn out in the way of your ventilation for the hospital?

A. I can't tell you.

Q. Roughly—I don't care about your being exact.

A. I can tell you the commission I receive on my work.

Q. Yes, sir.

A. Five per cent.

Q. Well, about how much have you received, your firm, for your system of ventilation?

A. I can't tell you.

Q. Well, did you receive \$1,000?

A. Oh, yes.

Q. Did you receive \$2,000?

A. Yes.

Q. Did you receive \$10,000?

A. No.

Q. Well, did you receive \$5000?

A. No—I should think perhaps \$2,500 or \$3,000.

Q. Now, what did you receive that for?

A. For services rendered as an engineer.

Q. Your own personal services?

A. No.

Q. Whose?

A. Mine and my employees'.

Q. Well, who are your employees'?

The CHAIRMAN.—I don't see how it is necessary to go in to that.

Ald. LOMASNEY.—Well, I propose to get at the facts in regard to this and see about the system of ventilation.

The CHAIRMAN.—Well, the chairman does not see how the names of the employees have anything to do with this case.

Ald. LOMASNEY.—Well, Mr. Chairman, if the Chair will wait a moment and recognize that I am a member of this committee he will understand that the employees who have visited these institutions might well be summoned and tell what they saw in the institutions. I want to

get the names of those who visited the institutions besides the gentleman himself.

Mr. REED. — There is no objection to summoning them, Mr. Alderman.

Ald. LOMASNEY. — Well, I want to find out who they are, sir.

Q. Who are the employees who had been there?

A. Well, the one who has been there to represent me most is a young man named Child. I don't remember his first name now. He is not working for me at this moment.

Q. Now, where was Child mostly engaged?

A. In my office as a draftsman.

Q. But at what institution did he render most of his service?

A. On the new dormitory, on the old institution and partly, I think, on the hospital.

Q. About how many days' service did he render?

A. Oh, I can't give you that.

Q. He is the only one?

A. He is the only one, I think, that has visited the island; yes.

Q. Outside of yourself?

A. Outside of myself.

Q. About how many days have you been here?

A. Oh, I haven't a record of that — can't tell you.

Q. What did you mean by saying a little while ago that you only got \$35 out of the Commissioners?

A. I meant this, that that was all that the Commissioners employed me directly themselves.

Q. Well, this other money you didn't consider as coming from them?

A. Certainly not — they didn't employ me.

Q. Who employed you there?

A. Mr. Wheelwright.

Q. Oh, yes, you are connected with Mr. Wheelwright's staff?

A. No; I am not connected with his staff. I am employed by him to do this special work of ventilation, just as you or any other skilful man might be.

Q. Well, how much did you get for your services — so much per diem or so much for the job?

A. Five per cent., the same as an architect's commission. It isn't enough.

Q. I don't care if you get twenty — I always believe in good large salaries. But how many days have you been down to the islands?

A. Oh, I can't tell you.

Q. Down five times?

A. Yes, sir.

Q. Ten?

A. Yes.

Q. Twenty?

A. Yes, sir.

Q. Thirty?

A. Now, I think you are getting up to about the limit.

Q. About thirty days?

A. Yes, sir; I should say so.

Q. What time did you go down?

A. Sometimes at seven in the morning.

Q. Well, you were down there and rendered about thirty days' service? Is that a fair way to put it?

A. Well, I am willing to have it stated as thirty days' service.

Q. Went down in the afternoon and came up at night?

A. Yes, sir; usually.

Q. Now, do you want us to understand that you never sent out these letters to the Grand Jurors until this hearing began?

A. Until after I had heard some testimony.

Q. Is that the way you want to leave this?

A. That is my recollection.

Q. Now, what testimony do you allude to that caused you to send out those letters?

A. I think it is Mrs. Lincoln's own statement about the place being dirty.

Q. And did you talk with any of the Commissioners about sending out those letters?

A. No, not to a soul.

Q. Talk to the lawyers on the other side?

A. Not to a soul. It was done entirely of my own motion.

Q. When did you communicate the fact to them that you did it?

A. As soon as I received the letters I think I came up here and told them.

Q. What did you tell them?

A. Told them I had gone down to the island with the jury and that I had addressed these letters to them and that they had replied to me.

Q. But you went down with the Grand Jury in 1893?

A. Yes.

Q. Well, when did you send out the letters?

A. Well, not until March, '94.

Q. Well, had you consulted with anybody before you sent out those letters?

A. Not a soul.

Q. And the first time you communicated the facts to the Commissioners was after this hearing opened?

A. Yes. I did it simply because I felt—I gave the reason why I did it, because as a citizen of Boston I felt it should be done.

Q. Well, I understand you to say that you didn't send out the letters until after Mrs. Lincoln testified. Are you sure of that?

A. Her testimony or her written and published letters.

Q. And when did you communicate to the Commissioners that you had the responses you have now produced?

A. As soon as I got them—I think about the 28th of March.

Q. Whom did you talk with? What officials connected with the institutions did you talk with then?

A. I think I brought them right up to the hearing and gave them over to Mr. Curtis and Mr. Reed.

Q. That was the first they knew about it?

A. That was the first they knew of it.

Q. When you handed them the answers?

A. That is the first they knew of it.

Q. What did you say to them when you handed them the answers here?

A. I said, "Here is some evidence that I think it will be interesting to put in on the other side—on your side."

Q. They received it?

A. They did.

Q. You never spoke with any other official about it at all, besides the attorneys?

A. I never spoke about the matter before or since.

Q. (By Mr. BRANDEIS.) Mr. Tudor, you have given considerable thought to the subject of the management of pauper institutions, haven't you?

A. Well, I can't say that I have—not enough thought to have developed anything.

Q. What?

A. Not enough to have developed any principle of any theory.

Q. Well, you have had some theory of compulsory work?

A. Yes.

Q. For the able-bodied?

A. Yes, I certainly have.

Q. Well, what has been your feeling on that?

A. Well, I think those in the institutions who are able to work ought to work, and ought to be made to work.

Q. Well, now, you knew that Mrs. Lincoln and the Board of Visitors were endeavoring to enforce that principle in the management of the pauper institutions?

A. Yes.

Q. Well, now, when you were interested that the citizens of Boston should know what is proper and what should be done in regard to those institutions, why didn't you join with them in the attempt to bring about that change in the pauper institutions?

A. Because the thing was brought about, attempted to be brought about, in a wrong way —

Q. Well, when was it attempted to be —

Mr. PROCTOR. — Let him answer that.

Mr. BRANDEIS. — I think I will get along without your assistance.

Mr. Proctor. — I don't know whether you will or not.

Mr. BRANDEIS. — The witness is answering the questions, and we are getting along very well.

Mr. PROCTOR. — But you are shutting the witness off, which, as I know, is a well-known trick among counsel, myself among others. I am perfectly willing to plead guilty to it at times myself, as well as others. I will be perfectly frank on that score. But certainly if the witness has anything further to say he should be allowed to say it.

Mr. BRANDEIS. — He will have plenty of opportunity through the other side.

The CHAIRMAN. — Go on Mr. Brandeis.

Q. (By Mr. BRANDEIS.) Mr. Tudor, when did this attempt of certain public-spirited citizens of Boston to introduce this radical change in the public institutions commence?

A. I cannot fix that time.

Q. You knew — your interest in the institutions down there brought to your mind the fact — that a Board of Visitors has been appointed by his Honor the Mayor?

A. Yes.

Q. And you read that report of the Board of Visitors, didn't you, that appeared in 1892?

A. I read parts of it: yes.

Q. You read the part that related to Long Island?

A. Yes.

Q. In which you were interested. Well, you know what they declared was the fundamental evil at Long Island, do you not?

A. Well, I think, if you will allow me to state it, that it was idleness.

Q. Yes — that is, that the absence of compulsory labor was the fundamental evil?

A. Yes, sir.

Q. And that, connected with that or part of the same thing practically, was the absence of classification? Do you remember that?

A. Yes, sir.

Q. And that that board set forth fully in the report evidence to show the evil that flowed from that wrong?

A. Yes, sir.

Q. The lack of classification and the lack of compulsory labor — that they said all the other evils they pointed out were but insignificant as compared with that fundamental evil, which was at the bottom of all the wrong. You remember that — I mean not in those words, but in substance that?

A. Yes.

Q. You remember who were on that Board of Visitors?

A. If you repeat their names I should remember it; yes.

Q. Dr. Morton Prince?

A. Yes.

Q. Dr. Putnam?

A. Yes.

Q. Miss Rogers?

A. Yes, sir.

Q. Mrs. Evans?

A. Yes.

Q. Mr. Ring?

A. Yes, sir.

Q. And Mr. Frank Morison?

A. Yes, sir. They went down on the steamer one day when I was there, in 1892.

Q. And you know them?

A. Yes, sir.

Q. Well, did you see anything in that report of the Board, acting in pursuance of the Mayor's directions, which was improper?

A. I don't remember.

Q. Do you deem it improper for those ladies and gentlemen to make a report?

A. No, far from it.

Q. Do you deem it improper that they should set forth that lack of compulsory work and classification were the great and fundamental evils?

A. No, I believe I should have signed it myself if I had had the opportunity.

Q. Now, why, then, did you not join with them?

A. I would have in a recommendation of that kind.

Q. Well, did you do anything after that report was published in order to attempt to bring about this change which they said, and which you say was the fundamental change needed to remedy the cause of the troubles at Long Island?

A. No.

Q. Well, why didn't you do anything?

A. Well, because I am like a great many other citizens, don't exert myself to bring about reforms.

Q. But you did exert yourself here, and why not before?

A. Because this was a different case.

Q. Wasn't the other thing a thing done in the most solemn manner by request of the Mayor of Boston and upon request of some of the most estimable citizens of Boston?

A. Yes, sir; and I don't think anybody objected to having those things done.

Q. Well, isn't it a fact that after that report was made in 1892, nearly two years had elapsed and nothing whatever had been done to bring about this compulsory labor and classification which you say were the fundamental evils there? Wasn't that the fact?

A. Yes.

Q. Why didn't you come forward as a public-spirited citizen of Boston, as you afterwards came forward, and point out to the citizens of Boston that nothing was done, in spite of that report of the Board of Visitors in which you heartily concurred?

A. Those things weren't under consideration. I hadn't objected to those things in any way.

Q. Now, Mr. Tudor, you were there frequently after June, 1892, weren't you?

A. Yes, sir.

Q. And you saw that not a thing was done, in spite of those recommendations, towards bringing about compulsory labor and classification, didn't you?

A. Yes, sir; I saw that.

Q. Why did you not do anything?

A. For the same reason that nobody else did anything.

Q. But you had special means of knowledge, didn't you?

A. No, I don't think I did.

Q. You went down there repeatedly?

A. I went down there.

Q. And you had the evils resulting from idleness and lack of classification constantly before you?

A. Yes, but I didn't go down there for the purpose —

Q. I know, but you had those evils before you?

A. Yes, sir.

Q. And you knew that the lack of those things rendered the institution a disgrace to the city of Boston, didn't you?

A. Yes, sir.

Q. Well, why didn't you join with those ladies and gentlemen who were on your Board of Visitors to bring it to the attention of the public or to see that the Commissioners did something to improve it?

A. Well, I didn't think I needed to add my efforts to theirs.

Q. Well, you saw that their efforts were wholly unavailing, didn't you?

A. I don't think they began in the right way.

Q. You don't think the Board of Visitors began in the right way?

A. They certainly haven't accomplished anything yet.

Q. But that may be because they didn't have your coöperation. They didn't accomplish anything, did they?

A. No.

Q. Now, what is there in that report that you object to?

A. I don't object to that report.

Q. Not in any way?

A. No, sir.

Q. Now, I want to know why the Board of Visitors who were appointed by Mayor Matthews, and whom you say were selected from some of the best citizens of Boston, and who rendered a report which you agree to — why they didn't begin in the right way?

A. I will explain that, I think, to my mind very satisfactorily.

Q. Why?

A. Because they began by attacking the Commissioners for having things in existence there which I don't think do exist and never did exist.

Mr. REED. — You are referring to the report of 1892, aren't you?

Mr. BRANDEIS. — Of course.

Mr. REED. — I think he is referring to the report of the last Board of Visitors. That wasn't the Board of Visitors that you are talking about. That was a special committee of 1892. The Board of Visitors were not appointed until long after.

Q. (By Mr. BRANDEIS.) What are you referring to Mr. Tudor?

A. Well, I don't know. You have asked me a lot of questions and I have answered them the best I could.

Q. Well, what did you understand I was referring to when I spoke of the committee who made their report in June, 1892, in which they set forth the lack of classification and the lack of compulsory labor?

A. I supposed you wanted to find out if I objected to that report, and I said no, I didn't.

Q. You remember that report, don't you?

A. Yes, sir, I do.

Q. The report of the committee of which Dr. Morton Prince and

Miss Rogers and Frank Morison were members, you remember that report?

A. Yes.

Mr. PROCTOR. — Well, pardon me, for my own information. You talk about Dr. Morton Prince and Dr. Putnam. Do you mean that they were on the same board at all?

Mr. BRANDEIS. — Yes — weren't they?

Mr. PROCTOR. — According to the record here it is Dr. Putnam, chairman, Mr. Farmer, Mr. Ring, and Miss O'Sullivan and Mrs. Evans.

Mr. BRANDEIS. — That is the modern report.

Mr. PROCTOR. — Yes, I think the witness is entitled to know which report you are referring to.

Mr. BRANDEIS. — I will try again.

Q. You remember the report signed by the committee of which Frank Morison was chairman?

A. I can't say that I can distinguish in that way.

Q. You remember the report made two years ago, back in 1892?

A. I haven't gone into that fully — can't remember distinctly. I have looked the reports over as they came up.

Q. Yes.

A. And I don't remember that I saw anything there to object to. I would like to make it clear exactly why.

Q. Well, this is the report, — signed by Frank Morison, Thomas F. Ring, Elizabeth G. Evans, Annette P. Rogers, Charles T. Putnam, Elizabeth M. McCarthy, and Dr. Morton Prince. So I seem not to have been in error in that respect.

Mr. PROCTOR. — Well, I will give you the credit for being right that time, Brother Brandeis.

Mr. BRANDEIS. — I am glad you have that generosity.

Ald. LEE. — What is that?

Mr. BRANDEIS. — The report of the special committee appointed by the Mayor.

Ald. LEE. — Is that one of the original leaves back of that?

Mr. BRANDEIS. — Yes, sir — pasted on by my own hands, having been torn off before.

(By request of Mr. Brandeis the stenographer repeated the following:)

Q. Now, I want to know why the Board of Visitors who were appointed by Mayor Matthews, and whom you say were selected from some of the best citizens of Boston, and who rendered a report which you agree to — why they didn't begin in the right way?

A. I will explain that, I think, to my mind very satisfactorily.

Q. Why?

A. Because they began by attacking the Commissioners for having things in existence there which I don't think do exist and never did exist.

Q. (By Mr. BRANDEIS.) Now, there is the report of the special committee, June 30, 1892, about which I have been asking you. I will ask you to go through that report, glance through it so far as it is necessary, and point out wherein they proceeded in the wrong way.

A. I have not objected to this report — never have.

Q. Well, you don't object to that report?

A. I don't think that I do. What I came into the thing about was about the cleanliness, I think — chiefly about the cleanliness.

Q. Yes. Well, now, you say this Board of Visitors did not go about it in the right way. Now, this Board of Visitors went there — or the special committee — because Mayor Matthews appointed them —

A. I didn't say the Board of Visitors.

Q. I asked you why you didn't come forward and help this Board of Visitors, who pointed out in this way, in June, 1892, the predominant

evils in this institution — the lack of classification and the idleness — that is, the lack of compulsory labor. You said you didn't join them.

A. Yes.

Q. That you did believe in those things thoroughly, but you hadn't done anything; that they hadn't succeeded because they hadn't gone about it in the right way. Now, I want to know in what way that board or committee departed or deviated from what you think the right way?

A. I didn't state exactly what I meant. What I meant was that when this investigation began, or when the attacks on the Commissioners began, in the newspapers, it appeared to me to be an attempt to stir up the public without sufficient reason, and I objected to the statements that appeared in the papers that the place was dirty, and the people neglected and ill-treated, and all that sort of thing. I thought that would create a false impression among the citizens. I have always felt that it is something the citizens ought to be interested in, and I have always felt, and feel now — feel it more since the investigation has begun — that that is a thing which has got to be settled by the common sense of the citizens, and not by a few people, no matter how good their intentions or how thoroughly equipped they are in this matter of caring for paupers, etc. Now, I feel if the citizens had been informed of the truth, of the exact truth, if they had been instructed, told where they were negligent, it would have been all right, but not to state things which didn't exist, or create an impression that there was cruelty and filth and neglect.

Q. Now, I will ask you, Mr. Tudor, to look at that report of the Board of Visitors of June 30, 1892, and let me know in what respect it fails to divulge the true state of affairs. Let me know what fact, if any, in there is untrue.

A. I couldn't do that in a few moments; in an instant. I should need an hour at least to peruse it.

Q. I think the committee will give you as much time as you need to run through it. I can give you a fresh copy of that, one which is not so annotated. Perhaps that may be rather misleading.

A. No, this is all right. On the forty-second page here are eight recommendations — nine recommendations —

Q. Yes —

A. Ten recommendations.

Q. Yes.

A. As far as I can see I should think they were all excellent recommendations.

Q. This very recommendation that is made there you believe is sound, don't you?

A. Yes. You understand I am not testifying as an expert, but only as a common citizen.

Q. I understand, but this has got to be decided by the common sense of the community, hasn't it?

A. Yes.

Q. And there isn't anything in the application of facts to the paupers that is not within the comprehension of the ordinary, intelligent citizen who will give enough time to it to think it over, is there?

A. No. I think these recommendations are all reasonable.

Q. There isn't anybody of common sense but would know that you would have to classify paupers because some of them may be weak and some wicked and others old and infirm and others able-bodied. Everybody of common sense would know about that, that thought of it at all?

A. I think the citizens of Boston would desire that such classification should be on strictly republican lines — that is, nobody should receive preference there because he was somebody's cousin or she was

somebody's aunt, but simply on his or her merits. Such classification as that there can be no objection to.

Q. I know, but everybody sees that there must be classification, who has considered the subject?

A. I should think so.

Q. And you think there would be no difficulty in anybody's seeing that in order to keep out the loafers and keep the able-bodied idlers from the institution you have got to make those work that can?

A. Certainly.

Q. Everybody would see that, wouldn't they?

A. Certainly; I should think they would.

Q. Yes, and wouldn't everybody see, too, that in order that the institutions should be run properly and economically for the city that that very thing must be enforced?

A. It should be made as nearly self-supporting as possible.

Q. And that you would have to provide different kinds of work for people of different ability—I mean physical ability, not mental ability?

A. Yes.

Q. And you saw, also, not only the importance of this question of work, but that there must some people come down there who are there really through misfortune in the strictest sense, and who ought to be kept from those who are criminals and have a long criminal record?

A. Yes, sir, I believe now that those who are really unfortunate and who deserve kind treatment receive it.

Q. Yes, but I mean they ought not only to receive kind treatment but they ought to be kept free from the contaminating influence of others who have lead a life of vice?

A. Certainly—no doubt of it.

Q. Well, now, that is something that any one of common sense, who had a heart and head and who has devoted them a little to the subject, must now feel?

A. It seems reasonable to me.

Q. Now, when this Board of Visitors in June, '92—

Mr. PROCTOR.—Pardon me—you mean the special committee.

Q. (By Mr. BRANDEIS.) Yes, the special committee appointed by Mayor Matthews,—when they rendered their report, June 30, 1892, and set forth this to the citizens of Boston, they set forth something sound, as far as you can see, in every respect?

A. Yes.

Q. And in all those ten recommendations, that are numbered ten, and which actually contain more—in those recommendations which they made they lay down just what you, so far as you can see, would also recommend to the citizens of Boston if called to that important position by Mayor Matthews?

A. I should have subscribed to it.

Q. Now, I ask you, that being so, and you having been down there, Mr. Tudor, from time to time, in the performance of your professional duties, why you didn't come forward and second this committee in its efforts to bring about a change which must commend itself to every man of common sense and feeling?

A. Well, sir, I will make an explanation.

Q. Yes.

A. It will be necessary to do it.

Q. Oh, you ought to have an opportunity.

A. The fact is that when one of Mrs. Lincoln's letters was published in the "Transcript" there were some statements which seemed to me not to represent the true state of affairs at Long Island, whereupon I wrote a letter to the "Transcript." My letter was published, also a reply from Mrs. Lincoln, and there was an editorial favoring strongly

Mrs. Lincoln and giving me rather a black eye, whereupon I wrote a reply to the " Transcript " which, about a month or six weeks after, was returned to me with an apology from the editor, stating that it had been misplaced and that he would be very glad to have me rewrite it and bring it up to date and publish it. He felt that they did me an injustice. Now, I suppose it is proper for me to state what that communication contained. It was simply an explanation of my exact position — that I objected to Long Island being called a dirty place, and I objected to too much attention being paid to the complaints of the inmates. Those were my two points.

Q. Yes.

A. And as regards the management of such an institution I merely stated that I wasn't an expert, and I had no doubt I heartily agreed with a good many of Mrs. Lincoln's recommendations. I especially disclaimed attacking Mrs. Lincoln — I especially disclaimed that.

Q. That you had agreed with her recommendations, and the only things you disagreed with were these charges against the cleanliness of the place?

A. And I objected to Mrs. Lincoln and other people listening to the complaints of inmates.

Q. Well, now, you didn't find in this report of the Board of Visitors the slightest evidence that they had relied in any way upon such complaints?

A. No, I haven't ever objected to this report.

Q. And you didn't find in this particular report of the Board of Visitors — this earlier report of the Board of Visitors —

Mr. PROCTOR. — Pardon me — that was a report of a select committee.

Mr. BRANDEIS. — A select committee, excuse me — any charges against which you found any fault whatever.

Q. This matter of cleanliness was a matter perfectly insignificant as compared with the subject of compulsory labor and classification or compared with these other matters, these other ten recommendations, made here?

A. I don't object to those things at all.

Q. Now, as a matter of fact, the allegations of a lack of cleanliness you considered perfectly insignificant as compared with these questions that the Board of Visitors have set up?

A. Yes.

Q. Now, what I asked you, Mr. Tudor — and which in the discussion perhaps, was lost sight of — was why it was you didn't do something, with your knowledge of the facts down there gained in the course of your professional experience — why you didn't do something to bring before the public in a proper way, whatever might be the proper way, the great abuses of lack of classification and lack of compulsory labor at the institutions, without which you believed it couldn't be properly managed?

A. Well, that is a pretty strong committee, and I have reason to believe they had plenty of supporters. They seemed to have.

Q. Now, isn't it a matter of fact, Mr. Tudor — I think you have called attention to it before this — isn't it a matter of fact that between June 30, 1892, when the special committee appointed by Mayor Matthews made the report, and the commencement of this investigation, March 15, 1894, one year and nine months nearly had elapsed without the slightest change having been effected in what you recognized were the fundamental abuses of the institution?

A. Yes.

Q. Well, now, I ask you why you didn't come forward when the work of the Board of Visitors ceased, its term expiring June 30, 1892, while you were going down there in the course of your duty from day

to day, from week to week, from month to month, as it might be — why you didn't come forward and bring the attention of the public the fact that these faults, which were alleged to be the fundamental ones, remained utterly unremedied?

A. Well, I gave the matter no consideration. I can't say why I did or why I didn't.

Q. Now, when you came forward and wrote the letter to which you have referred, the letter in answer to one of Mrs. Lincoln's letters did you in that letter call attention to the fact that Mrs. Lincoln's charges were, in the main, well founded, that they had been supported by this report of the special committee, and that nothing whatever had been done in regard to classification and compulsory labor, but in one respect or two respects — in the matter of lack of cleanliness — she was mistaken?

A. No, I wrote my letter merely with this view — I felt that this thing was begun wrong, and had led to a long investigation which would end in nothing.

Q. Well, this special committee, appointed by Mayor Matthews, you did not think they had done anything which was wrong?

A. In their recommendations; no.

Q. In the manner of presenting the recommendations?

A. No, that was all right.

Q. They presented them to the Mayor and they were published as a city document — nothing wrong in that?

A. Not at all.

Q. They hadn't done anything whatever except make that report, as far as you knew?

A. No.

Q. Nothing whatever wrong in what they did, was there?

A. No, nothing I objected to.

Q. Now, you wrote your letter before this investigation began?

A. Yes.

Q. About two months before the investigation began, didn't you?

A. So it appears.

Q. Yes — you wrote the letter in January of last year and the investigation began March 15?

A. Yes.

Q. Now, there hadn't been anything done by the Board of Visitors which seemed to you improper, had there?

A. No.

Q. Or by the special committee that seemed to you improper. Now, why didn't you then, when you wrote at that time, set forth in your letter that the great and fundamental abuses which were alleged were absolutely sound, that they did exist, but that there were certain matters of detail here, in cleanliness and the like, in which the allegations were not sustained by the facts? Why didn't you do that?

A. Well, I suppose because I didn't think of it.

Q. Well, you felt at that time that the institution was wholly lacking in what you deemed essential to good management?

A. What I felt when I came into it was that the charges were unjust and untrue.

Q. In what respect? In regard to lack of classification?

A. No, not speaking of that.

Q. Not in regard to the other matters that the Board of Visitors set forth there in there ten recommendations?

A. I am explaining how I came into it, and that is, as a writer in the columns of the "Transcript" over my name. I have no doubt I could have been secured as an ally by these reformers if the thing had been started right by Mrs. Lincoln. I think Mrs. Lincoln has made a mistake all along.

Q. You mean you could have been secured as an ally in this investigation, but not an ally to the special committee and that movement which started the special committee, because a year and a half had elapsed before you ever appeared in print? Now, what I ask, Mr. Tudor, is why, in your letter, which you wrote and in which you said that certain statements of Mrs. Lincoln's were not true — why in that letter you did not come forward and state what was true in her complaints also, as well as what was not.

A. Because I thought that was a very small part of her complaint. In the letter the most of it appeared to me to be what seemed to me tittle-tattle which had been gathered from old women and others who were kickers and who would make a row in heaven — wouldn't be satisfied with anything.

Q. Now, your letter is this letter of January 13. Now, I will ask you — you say you considered a good deal of it tittle-tattle, I will ask you this — you answered the letter of January 10 — wasn't that it, Mr. Tudor?

A. I don't remember.

Q. Well, your letter was January 13, 1894?

A. Yes; well, it was written right after Mrs. Lincoln's was published.

Q. Well, this statement — “that so long ago as May, 1893, this official was complained of for his bad habits and language, yet that the superintendent not only took no steps towards removing him, but within the past fortnight has promoted him to a position where he had charge of over six hundred inmates.” Do you know whom that referred to?

A. No. I have not followed that closely.

Q. “That one of the officials at Long Island has been so continually under the influence of liquor that his name is a by-word among inmates and fellow-officers alike,” and then follows this — “that so long ago as May, 1893, this official was complained of for his bad language, yet that the superintendent not only took no steps towards removing him, but within the past fortnight has promoted him to a position where he has charge of over six hundred inmates.” Don't you remember the official down there of whom that was said?

A. No, never saw anybody drunk down there.

Q. Do you remember Smith down there receiving officer and afterwards acting deputy?

A. Never met him personally.

Q. You know of him?

A. Only what I have heard here.

Q. You didn't refer to that statement, then, as being tittle-tattle?

A. Let me state what I thought about that.

Q. I ask you about the particular statement. Confine your answer to that, please.

A. There is no employer of labor, I don't care what class of labor it is, that doesn't have difficulty with that very thing — drinking. The most trusted and the most capable employees will drink and you can't stop it. I don't think it is anything unusual that a trusted employee of one of our best institutions should drink. It is a pity that it is so, but it is no different from what occurs in every private business.

Q. Well, didn't you hear it was so bad in the case of this man to whom Mrs. Lincoln referred in that letter that he was actually discharged by the Commissioners, compelled to resign?

A. He ought to have been, certainly.

Q. Then, if it is true that he was complained of as far back as May, 1893, and that his being under the influence of liquor was a by-word among the inmates and fellow-officers alike —

A. That man may have had great virtues that offset that defect — and, another thing, it isn't any easy thing to get people to go and live on Long Island.

Q. Yes, but if the Commissioners themselves after this letter actually dismissed the man, you don't think that that was a man who ought to have stayed there, do you?

A. No, certainly not.

Q. And you don't think it was tittle-tattle of Mrs. Lincoln to call that to the attention of the public, or of whomsoever it might be necessary, in order to bring about a result which the Commissioners acted upon themselves?

A. I didn't refer to that particularly.

Q. You didn't refer to that as being tittle-tattle?

A. Not particularly. I have no doubt that a good deal that Mrs. Lincoln referred to was tittle-tattle.

Q. "What can we think of the carelessness of a department which allows pensioners to live at the city's expense among them — a man who, while living as a pauper is drawing from the United States a pension of ninety dollars every quarter?" Do you approve of that?

A. No.

Q. Isn't it a proper matter to call to the attention of the public or officials, whoever they may be, that men are down there who are receiving from the government of the United States \$360 a year, and who are still living there as paupers?

A. I should think the officials would be very glad to find it out.

Q. Well, that isn't tittle-tattle, is it? That isn't something to be deprecated?

A. No.

Q. That is something which, if true, ought to be called to their attention, and the officials ought to find it out without her calling it to their attention, shouldn't they?

A. Yes, sir; if they can.

Q. Yes, I mean if they can and if it is a fact, it is something that ought to be called to the attention of the proper persons, and if the proper persons don't act upon it, ought to be called to the attention of the public?

A. Sometimes the officials have the greatest difficulty in finding out the truth. Things are kept from them.

Q. Yes, but whether they have difficulty or not, whether it be a matter of criticism or a matter of kindness?

A. There is no objection to their knowing it.

Q. No — and that is a fact that ought to be called to the attention of the community?

A. Certainly.

Q. Now, I asked you the last time in regard to this matter. I asked you. "What do you think of a water connection broken for two months and not enough water in the hospital to flush the closets freely or to bathe the patients properly?" Now, if it is true that the water connection was broken for two months and that there wasn't enough water in the hospital to bathe the patients and to flush the closets, when you have the whole Atlantic ocean around you, you would think that was a proper subject for comment, wouldn't you?

A. Well, hardly. Under the circumstances I should hardly say it was.

Q. Well, if the water connection is broken for a long time are the people in the hospital to live with dirty closets, things that emit foul smells and odors, when the whole Atlantic ocean is there and there are four or five hundred people around who can carry the means for relief up to the house? Do you think that is proper or do you think water ought to be carried into the hospital to clean the place?

A. Well, it was carried in as far as I know.

Q. Well, let us see — you heard the report of Mr. Brown, the inspector?

A. Oh, I was there. I have been there and saw them pumping water up. They had a steamboat there pumping water.

Q. Yes, that is true, but that didn't go into the hospital, did it, all of it?

A. Went into a large reservoir.

Q. And they didn't have it in the hospital to flush these closets, etc.? You heard me read the last time. I think, Mr. Brown's, the inspector's, report on the dirty closets, and the smells?

A. Yes, sir. That is a sort of emergency. I think under the circumstances I shouldn't have been disposed as a visitor to criticise that state of things. It is an accident, and it is taking an unfair advantage.

Q. If it was a thing that happened not only once but for a period of two months and no provision was made against it, you think somebody's attention ought to be called to it?

A. How was any provision to be made against it? I feel pretty sure that efforts were made to get water there. I think I heard talk about it on the steamboat.

Q. Would there have been difficulty in bringing up water or pumping up water from the Atlantic ocean to clean these vaults?

A. Could have been done.

Q. Simply by windmill power couldn't provision have been made?

A. I shouldn't think windmill power would hardly answer.

Q. It wouldn't be difficult if they had a pump already there to do it? If they had a large pump there a year or more without being attached to anything they could have used that pump, with the Atlantic ocean to draw from?

A. No, it would be necessary to move that pump down near the water.

Q. Well, if there was a pump on the island with which it could have been done?

A. Yes.

Q. And as a matter of fact the pump lay there a whole year and wasn't used — you think that could have been used?

A. I dare say. I don't know.

Q. What do you think was the cost of that pump?

A. Oh, perhaps \$200 or \$300.

Q. That would have been the cost, would it, of the pump?

A. Oh, you mean to move the pump temporarily down to the water?

Q. Yes.

A. Well, perhaps \$300 would have connected it with the pump temporarily.

Q. Would have connected it and then they could have pumped the water?

A. I should say so.

Q. Do you know how much it cost to bring water from Deer Island at that time?

A. Yes, sir — but that is fresh water.

Q. But they had to bring fresh water for two purposes — both for cleaning and the other use?

A. Yes, sir; and I was going to say that besides connecting the pump they would have to have the attendance for running it.

Q. But would there have been any difficulty in accomplishing that and meeting the emergency?

A. It could have been done.

Q. At reasonable expense?

A. I should say so.

Q. And the actual cost of bringing the water from Deer Island was \$40 a day, wasn't it, about \$2,000 being spent during the time that this main was broken — wasn't it?

A. I don't know what it was?

Q. Well, now, you remember, don't you, that in that letter of January 10, this fact, that the Mayor had appointed a special committee, that that special committee had made its report, and that nothing had been done upon it, was called to the attention of the public, don't you? — and you certainly thought that that was something that deserved approval, calling that to the attention of the public, didn't you?

A. Well, I think my letter explains itself, and in my letter I only commented on certain things, and in my testimony I have only attempted to comment on certain things.

Q. Yes, I know, Mr. Tudor, you only attempted to do certain things, but you are one of those who have gone down there in the performance of a duty for the public. That is, you have been in a way performing a professional duty for the public in going down there, and you have had occasion to observe these things, and you have known how true all the fundamental abuses which were set forth by the special committee and which had been charged by Mrs. Lincoln were, and when you came to write your letter, in which you criticised a certain letter of Mrs. Lincoln's, you directed yourself to certain things which you said were untrue, but you did not in your letter say in any way that the great and fundamental abuses to which she called attention were true and had remained unremedied for this long time and that they should be remedied then, although you believed they should — isn't that so?

A. That is so — appears to be so.

Q. Now, I call your attention to these various things — whether you do not think, in the performance of your duty as a citizen, you ought to have allied yourself to those who pointed out the abuses which no one realized and appreciated better than you did, instead of finding fault merely with the way one person had of doing something which didn't commend itself to your judgment?

A. In answer to that question I will say that it might have been well enough for me to have aided the persons who thought these reforms should have been undertaken, and on the other hand I thought it was my duty that the truth should be stated.

Q. But you didn't state the whole truth, did you?

A. I stated all the truth bearing upon the point on which I touched.

Q. Yes, but this thing in regard to which you answered and upon which you gave the impression to the public by your answer that a groundless accusation was made, was a very small part of the charges which were made against them?

A. No, I don't think so. My feeling was that an attempt was made to arouse the citizens of Boston upon a false issue. I don't think that Mrs. Lincoln kept closely to the importance of reforming those abuses.

Q. Well, you had watched Mrs. Lincoln's letters to the papers long before that, hadn't you — had seen them from time to time?

A. Had seen them, yes, sir?

Q. And don't you know that at the very outset she set forth this claim, even before the special committee was appointed by Mayor Matthews — that the great evil was the lack of compulsory labor and lack of classification? You remember that, don't you?

A. Yes, sir; but my letter explains itself — better let the committee have that.

Q. Well, I don't think we disagree in regard to what your letter says. You have stated it, and I am sure you have stated it with fairness. I am but asking you whether, whatever may have been your intention at the time, you don't think that your letter in which you attack certain things that Mrs. Lincoln stated would not mislead and would not lead the community to believe — not that you concurred with the special committee

and with Mrs. Lincoln and others in pointing out these abuses, but that the abuses did not exist at all?

A. No, I don't think my letter would have that tendency at all.

Q. Well, you do not intend in any way to lead the community to believe that these various charges, except those you have pointed out, were unfounded?

A. No; my second letter to the "Transcript" stated my position exactly as to-night. Unfortunately it was suppressed, never printed.

Q. Now, what did your second letter state? Give us your position exactly?

A. I stated that I had no disposition to oppose Mrs. Lincoln or her friends in any of the reforms inaugurated at Long Island or any other place, and I disclaimed being an expert in those matters; but in other matters wherein I felt myself to be an expert, I felt that I had a right to speak, and I think I again said that I objected to taking too much stock in the talk of the inmates.

Q. Yes.

A. I think Mrs. Lincoln's letters had that effect — they did upon me — that she had listened too much to what people had said down there. She had taken too one-sided a view of it.

Q. Now, I will ask you, Mr. Tudor, — you said something about attacking the Commissioners — isn't it a fact that no attack whatever had been made upon the Commissioners until they delayed, and delayed, and delayed after these abuses, mainly of lack of classification and lack of compulsory labor, had been set out before them?

A. I think very likely.

Q. Don't you remember, as a fact, that in this report of the special committee appointed by Mayor Matthews, while setting forth at great length the abuses which existed and the ten recommendations, they spoke highly of certain qualities of the Commissioners?

A. I don't remember that particularly.

Q. Let me see, don't you remember this:

In the course of the foregoing investigation much has been found to censure, and it has become evident that the more serious evils pointed out all spring from the one radical evil — that prevention and cure appear to form no part of the policy of the administration. Here and there individual agents or officers are working intelligently with good result; but it is all haphazard, there being apparently no appreciation shown by the Commissioners of the problem as a whole; no attempt made to study the results of present methods, nor to advise measures of reform. It may be safely said that the administration has no policy except that of feeding and housing cheaply, and on the whole humanely, all who come; and cheapness is estimated by a low per capita maintenance, rather than by a reduction of the number to be maintained. Now, economy is admirable, and your committee would give full credit to the Commissioners for their zeal in this direction. In expending the sum of several hundred thousand dollars, there is a large room for mismanagement and misappropriation; yet no whisper of such accusations is heard. As far as the problem of management is a question of supplies, it would be difficult to improve the plan of the Board. The purchases are made mainly by competitive bids twice a month; the prices paid are the lowest; the quality of the goods is as a rule acceptable, and well suited for the institutions. Careful inquiry has been made upon this matter among numbers of wholesale dealers, and the committee can confidently assert that in this particular the city is well and honestly served. But economy is not the only standard of merit, and even if it were, mere saving is rarely the best way to economize. Some account must be taken of product as well as of outlay, and a reform school that does not reform and an almshouse that fosters the evils it ought to abate are not economical, however little may be their cost. On the contrary, your committee submits that expenditure which is so barren of good results must be counted as recklessly wasteful. The improvements of management recommended by this committee could probably all be adopted

without an increase of appropriation, as the current expenses of the department are well within its appropriation; and measures of prevention and reform must ultimately result in a vast saving of public money.

Mr. REED. — Is that 1892 or 1894?

Mr. BRANDEIS. — 1892 — the special committee. It is the only report, I think, that Mr. Tudor had ever seen before this investigation began, because it was the only one published. The other was not published or was not given out until the end of April or in May, when brought in here.

Q. Now, Mr. Tudor, don't you think that is an eminently fair statement, a judicial statement?

A. Yes.

Q. There is nothing there which looks like a wanton attack upon the Commissioners?

A. No.

Q. It gives praise, and unqualified praise, where it deems that praise to be due?

A. Yes.

Q. And it states with accuracy and intelligence the grounds of fault, not especially with the Commissioners, but with the system which has been adopted. Isn't that true?

A. Yes.

Q. There is nothing in that, then, that could have diverted you from the channel of reform which you believed in, and the correctness of which you had special means of forming your judgment about, was there?

A. No.

Q. Well, then, so far as the committee acted upon views previously suggested by Mrs. Lincoln you are wholly in accord with Mrs. Lincoln?

A. I am.

Q. It was only in certain things which you pointed out in your letter — which in the main were lack of cleanliness and the faith given to the statements of inmates — that you differed?

A. Yes.

Q. That you thought she might be misled and the public stirred up needlessly?

A. Yes, that is the way I feel about it.

Q. That is the way you felt and the way you feel now, is it?

A. Yes, sir; I still feel so.

Q. In testifying, then, before this committee, you wish to indorse, or you are prepared to indorse, those recommendations which were made by the special committee?

A. Yes.

Q. Now, Mr. Reed has referred to the latter report. I suppose you have examined that also, haven't you?

A. I think so.

Q. The report of the Board of Visitors, the actual Board of Visitors, appointed by the Mayor and Council, who made their report April 30, 1894, after this investigation began — the recommendations of the Board of Visitors were, first, "That a record be kept stating as far as possible the facts known in regard to the character and history of each inmate." You would agree to that, I presume, as necessary for any scientific and systematic knowledge of the subject?

A. Yes.

Q. Second, "That the institution be organized into three departments: workhouse, infirmary, and hospital. In these departments the inmates should be classified as their bodily conditions require."

A. I think that is a good recommendation.

Q. Third, "That in the workhouse department the discipline be

strict and work enforced. The food, though ample and good of its kind, should be very plain, and few indulgences should be allowed. Tobacco, if given at all, should be given only as a privilege."

A. I approve of that, too.

Q. Then, fourth, "In the infirmary department many comforts not proper in the workhouse department should be provided. The effort should be not merely to keep the inmates from starvation, but to make their years of helplessness as endurable as may be, within the limits of a reasonable expense."

A. I approve of that, also.

Q. Fifth, "That passes be abolished except in rare instances to some decent old person or cripple wanting to visit a friend." Perhaps I will say that that had reference to what the visitors report of the abuses of the pass system, where a man or woman gets a pass, comes to Boston, gets drunk, or otherwise indulges in a debauch, and comes back a few days afterwards in a tattered condition.

A. That means a pass to go to the city?

Q. To the city and then come back after a visit — "That passes be abolished except in rare instances to some decent old person or cripple wanting to visit a friend"?

A. Well, I think that would need a little consideration. I see that there is force in the suggestion, but I should think it ought to be considered carefully — should be given, perhaps, as a reward.

Q. Yes, but with the general purpose of avoiding the evil which is pointed out you agree?

A. Yes.

Q. Then, sixth, — I don't know whether you would have an opinion in regard to that — "that the standard of the hospital should be raised, both in medical attendance, in nursing, and in the study of disease and its cure"?

A. I don't think I ought to testify on that.

Q. Well, then, in all the recommendations made both by the special committee appointed by Mayor Matthews and the Board of Visitors appointed by the Mayor and the City Council you agree?

A. I do.

Q. (By Ald. LEE.) Mr. Tudor, I understood you to say that you would recommend the placing of that large pump down on the water front?

A. No, what I should recommend in a case like that would be to place a portable pump with a boiler there. I don't think that pump would be quite convenient to move. It is a large, heavy pump, but a portable pump with a boiler might have been procured to pump up salt-water.

Q. And what do they cost — do you know?

A. I think they could have hired one — that is my idea — could have hired one and connected it.

Q. For how much a day do you think?

A. I should think it would cost about — would have to have a man there day and night, I suppose.

Q. And then have to pay for the use of it?

A. Yes, sir — I should think ten dollars a day.

Q. Besides the man?

A. No, I think that ought to cover it.

Q. Now, you wouldn't recommend the pumping of salt-water there for the use of the boilers in the institution?

A. That would be impossible.

Q. Impossible from a mechanical standpoint?

A. The only use of that would have been for the water-closets — possibly the baths.

Q. Well, now, did you ever know of your own knowledge of the Commissioners presenting a bill to the Legislature to cover some of the defects in the report of the visitors of '92?

A. No.

Q. You don't know whether one had been presented in '93?

A. No.

Q. Did you ever hear of it?

A. It made no impression on my memory.

Q. If the bill had been presented, and had been acted on by any committee of the Legislature, and had been called to your attention, you would go up and support the recommendations of the Board of Visitors of '92?

A. I think I should.

Q. That is, as a whole?

A. Yes.

Q. I understand you to say that you have no recollection of a bill being presented to the Legislature of '92 or '93?

A. No.

Q. Or at any other time?

A. No, sir.

Q. Asking for some legislation that would remedy some of the defects spoken of by Mrs. Lincoln, and also by the Board of Visitors?

A. No, I don't know of any such bill.

Q. (By the CHAIRMAN.) Then, Mr. Tudor, I take it for granted that you believe that the Mayor should appoint a Board or permanent committee of visitors, men and women, for a term varying from three to five years?

A. I see no objection to that. If they can find the people who are willing to serve, I should think it would be a good idea.

MR. REED. — Mr. Brandeis, will you let me see that letter of Mrs. Lincoln's to which you called attention?

MR. BRANDEIS. — That is a letter I want to put in as a whole. I will put it in after you have asked questions upon it. That never has gone in. It was to go in at some future time, but hasn't gone in yet.

ALD. LOMASNEY. — While Mr. Reed is looking at that I would like to ask a question.

Q. Do you believe a reservoir is a proper thing for the institution — such as they have there now?

A. Such as they are constructing now?

Q. Yes, sir.

A. Well, I haven't given that any thought. I should think, in view of what has happened to the water-pipe in the past, that a reservoir would be a good precaution. They have one now, you know, an old one — a small one, possibly twenty feet in diameter. It isn't large enough.

Q. If it should turn out that there had been at the time the Commissioner took charge of the institution a reservoir in process of construction, and that it had been filled up and not built, in view of what has happened you would consider that that was a mistake, not going right on and constructing it, wouldn't you?

A. I would consider it a mistake that they had filled it up; yes, sir. In view of what has happened I should say it was.

Q. Then, if that had been done under the present Commission or their predecessors, the Commission doing that would be responsible for this lack of water at this time when the pipe broke, wouldn't it?

A. It would seem so.

Q. Yes, sir.

Q. Did you ever talk with Mr. Wheelwright before you wrote those letters to the "Transcript"?

A. Not a word.

Q. Or since?

A. Not any city official — yes, the next day after I was in his office and he said he thought the reply of the "Transcript" was very brutal. That is all he said and all I said.

Q. Well, what reply? You showed him the letter of the editor of the "Transcript"?

A. No, he read it himself, I suppose, in his own house, and I happened to be in the office and he spoke himself and said he thought it was very brutal the way the editor of the "Transcript" had treated my letter.

Q. That is, the editorial comment on the controversy Mr. Wheelwright thought treated you in a very brutal manner?

A. Yes, sir.

Q. When else did you talk to Mr. Wheelwright?

A. Never.

Q. From that day to this?

A. No; he never mentioned the subject.

Q. Are you related to Mr. Wheelwright?

A. No, sir; I am simply a citizen of Boston, that is all. I have no other interest.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Mr. Brandeis says that the fundamental evils are lack of classification and occupation. Do you recall, Mr. Tudor, anything in Mrs. Lincoln's letter of January 10 which touches upon either of those points?

A. I don't remember the letter. I should have to read it again.

Q. Your letter which was written on January 13, in reply to Mrs. Lincoln's letter of January 10, was as follows, was it not—

Mr. BRANDEIS. — I suppose Mrs. Lincoln's letter will go in, of course, at this time?

The CHAIRMAN. — The stenographer will put in the letter of Mrs. Lincoln, headed "A Public Duty," published January 10.

Mr. REED. — And Mr. Tudor's reply, dated January 12, which appeared in the "Transcript" of January 13, entitled "The Paupers."

The Chairman directed both letters to be inserted in the records, as follows:

A PUBLIC DUTY.

To the Editor of the Transcript:

I venture to ask if I may, with your help, make an appeal to the citizens of Boston.

A need exists—a great need, one which concerns us all. How many of those who ought to care will listen?

Our public institutions are administered in a way that is a disgrace to Boston and a reproach to Massachusetts, whose fair fame as a State suffers because such things are possible within her borders. The Mayor of our city has shown himself ready and willing to assist the inmates of our institutions by providing them with new and better buildings, and by appointing a special visiting committee on their behalf.

To be able to act with authority, or to accomplish any permanent good, that committee must have the help and indorsement of the public.

Can it be said that it is having it when, at this moment, a man is allowed to remain in office under whose management the institutions have fallen into their present disgraceful condition? Let me mention some facts concerning them, facts which trustworthy witnesses are ready to prove upon oath. Will it be believed here that here in Boston there are women actually kept in bed in our public institutions because they have not enough clothing to wear?

That one of the officials at Long Island has been so continually under the influence of liquor that his name is a by-word among inmates and fellow-officers alike?

That so long ago as May, 1893, this official was complained of for his bad habits and language, yet that the superintendent not only took no steps toward removing him, but within the past fortnight has promoted him to a position where he has charge of over six hundred inmates?

What can we think of the carelessness of a department which allows pensioners to live at the city's expense among them — a man who, while living as a pauper, is drawing from the United States a pension of ninety dollars every quarter?

How can we account for the fact that for five months there has been no telephone connection between Long Island and the city, though a small riot and two fires have occurred there in that time?

What do we think of a water connection broken for two months, and not enough water in a hospital to flush the closets freely or to bathe the patients properly?

What do we think of a hospital where the supply of milk is continually short, and where in thirteen days (not consecutive) the physician orders 224 quarts of milk, of which but 114 are furnished or can be obtained?

What, again, do we think of a hospital where because lights are turned off or out of order in its wards, patients have died in darkness, and where, no longer ago than December 24, a man suffering from a severe hemorrhage was discovered by a fellow-inmate merely by reason of the choking sound made?

Why is there no proper protection in case of fire? no telephone, no good food for the sick, no *humanity*?

Why indeed?

It is because the citizens of Boston do not care.

If they had cared they would have seen to it that the Board of Commissioners of Public Institutions was composed of three of the very best men the city could afford.

The Mayor has done his part in selecting a good committee of visitors to serve without pay and without powers, but this is not enough. There must be a change in the policy of the Commission itself, and this there never will be until the citizens of Boston demand it.

The post of superintendent at Long Island is a most responsible one, and ought to be filled by a man who will be encouraged by his superiors, the Commissioners, to do what is right, and who will be looked up to by his subordinates because it is known that he will not tolerate a thing which is wrong.

It is wrong to keep a drunken official for seven months and promote him besides, notwithstanding repeated warnings.

It is wrong to furnish poor food, badly cooked, and sometimes sour at that, to sick people—even if they are paupers.

It is wrong to allow medicine to be given out at night by an official who is known to drink, and who has more than once (before his dismissal in November) been known to have consumed himself the stimulants ordered for patients. It is wrong that in a hospital with eighty patients, three of them children, there should be but twenty-two and a quarter quarts of milk served for the whole number in one day, making the allowance for those who lived chiefly on milk a pitifully small portion for each meal.

The superintendent is not the only one who is to blame for this; the men who appointed him are also accountable, and it is only right that the responsibility should be placed where it belongs.

It is said that there is much to be condemned in the other institutions of which the Commissioners have charge. Perhaps there may be. "I speak whereof I know," and I do not hesitate to say that there is enough wrong at Long Island alone to warrant changes in the department, from the office of Commissioners down to a number of their subordinates.

The time has come to appeal to the public. Unless they demand a better condition of things, a better condition of things can never be had. Do they not *care* or do they not *know*? Now is the time for the citizens to insist on a more righteous and humane administration of public trust.

Only through their support can the Mayor act promptly and appoint a Commission of which the city can justly be proud.

If this can be done on the strength of facts, without a public investigation, so much the better. If not, let the public institutions be investigated, as members of the City Government have already suggested. The same institutions will bear a great deal of investigation, and if they cannot be reformed in any other way, let us have it.

That Boston, civilized, humane Boston, which promises relief to its unemployed and is never backward in helping any good cause which is in distress elsewhere, will allow its own sick poor to go without enough water, light, food, milk, clothing, or comforts is incredible, yet it is true. "Economy, economy," has too long been the cry of the Board. Let us have humanity and good judgment instead for awhile. Let us have good officials at the top and pay for more and better service at the bottom, if we wish the best results to be accomplished or believe that Boston is worthy of a better state of things.

ALICE N. LINCOLN.

JANUARY 5, 1894.

THE PAUPERS.

To the Editor of the Transcript :

Being a frequent visitor to the city buildings on Long Island, and having seen nothing of the sort of mismanagement alleged to exist there by Mrs. Alice N. Lincoln, and deprecated with so much feeling by Rev. Mr. Allen, in their letters to the "Transcript," I wish to protest against the acceptance of such statements by your readers without the support of competent testimony.

It is not assuming too much to say that Mrs. Lincoln did not obtain her "facts" from officials; they would hardly admit their own or their fellows' delinquencies to outsiders, least of all, to her; but it is quite likely "this disgraceful state of things" was revealed by some disgruntled inmate. Now, there are paupers in that home whose opinions or belief on any subject would not be accepted by any person of discrimination.

They are aged, they are infirm, they are feeble-minded, they have been pursued by misfortune and crushed by misery, they have lost all hope and have become soured and embittered, nothing has ever gone well with them, and to complain has become chronic. Is it not possible, too, that some imaginative or even lunatic inmate has simply lied to Mrs. Lincoln? And is it upon the tattle of such persons that Mrs. Lincoln asks the citizens of Boston to impeach her officials? What kind of guests does Dr. Jenks entertain at his Long Island establishment? They range all the way from the extremely aged and helpless incurables up to the able-bodied, healthy citizens, the latter perfectly able to work, but preferring to live upon the city's bounty. Among these persons are many who are constantly growling because the accommodations and the table are not up to the standard of the Vendome or Young's. The writer was for two years a visitor of the Provident Institution in the worst district of the North End, and has seen poverty and misery in every phase. It is to escape from these things that the unfortunate paupers have taken refuge in the home provided for them at Long Island by their sympathetic fellow-citizens, and in my opinion, there is nothing there to remind them of the hard life they have left behind them. They are reasonably comfortable, not sufficiently so perhaps to be objects of envy to people who, by exerting themselves, can procure greater comforts, and they are reasonably well fed; in fact, housed, clothed, and fed far better than an immensely greater number of hard-working, self-supporting citizens. It is my belief, derived from my own observation, that those of the paupers who by age, infirmity, or other circumstances merit tender care, receive it, and that all of them are treated with respect and consideration.

Finally, I can only treat the charges about the suspension of telephone service and the Cochituate water-supply with contempt. These are accidents which no foresight can prevent, and no different from those to which self-supporting citizens are exposed. The shutting off of the water by freezing the main pipe on the bottom of the harbor by the extreme continued cold of last winter caused the greatest inconvenience, but the Commissioners made the best of their facilities and transported all the water used in tanks and transferred it to the buildings in enormous quantities by the aid of steam-pumps. As to restricted use under such circumstances, it is nothing more than reasonable, and no more than any citizen would submit to without writing to the papers.

Of not the least importance in such a gathering of all kinds of people, and I mean to hurt no one's feelings when I say the select kinds are a decided minority, is an excellent discipline. On this largely depends the real comfort

and happiness of the inmates, and it is the one thing the citizens expect. It is my opinion that the attacks upon the Commissioners, and especially upon Dr. Jenks, by Mrs. Lincoln, besides being without real foundation and consequently unjust, are subversive of this discipline, and are doing positive harm.

I beg Mrs. Lincoln and her many friends to understand that I do not question her motives, I respect them as being sincerely well meant, but I venture to remind her and them that good intentions will not atone for mistakes, and to caution her that many of her fellow-citizens will think as I do, that to bring charges against officials who are intrusted with a grave responsibility, on a basis of gossip treated seriously as facts, is worse than a mistake.

FREDERIC TUDOR.

BRIGHTON, January 12, 1894.

Q. (By Mr. REED.) You are a sanitary expert, as I understand it, Mr. Tudor?

A. Yes, sir; I am an engineer.

Q. And that is the reason why you particularly noticed the statements in regard to the uncleanness and bad sanitary condition of the institution at Long Island?

A. Yes, I think that is the principal reason.

Q. And you had no reason to say anything either in approval of or in opposition to the plan of classification or occupation, because nothing of the kind was mentioned in Mrs. Lincoln's letter, as you remember it?

A. Probably not. If it had been I should have spoken of it.

Q. Now, you are in no way opposed to reform, and are not allied to any persons who do oppose reforms, are you, Mr. Tudor?

A. No.

Q. Do you know, as a fact, that any inmate of the institution at Long Island was a pensioner and drew from the United States Government any such sum as has been intimated by Brother Brandeis' question?

A. Only by reading it here.

Q. Do you know what the law is governing such a case as that?

A. No, I do not. I should think it was an accident that might happen.

Q. Then you don't know that, as a matter of law, whether a man is a pensioner or not a pensioner if he has spent his pension, squandered it, or no matter what he has done with it, and applies to the Commissioners of the Public Institutions for aid, that that is no ground for refusing aid to him?

A. No, I don't. I should think it would be an awfully good ground, though. I wish to take that statement back. As I understand it, the Commissioners are not by law allowed to refuse a person admission, provided he has not money, whether he has had it or not. In other words, if on January 1 a man has \$100 and on January 2 has managed to get rid of it, and on January 3 finds himself obliged to apply for assistance, as a matter of law the Commissioners are obliged to accept him? Is that the statement?

Q. Yes.

A. Well, I should think they would have to. I think I might help a man myself who was in that condition.

Q. Well, so far as the matters in which you are especially interested and upon which you are an expert, are concerned, I understand you to say that you have done everything you could do, that you have devised a plan for the ventilation of the building and that that plan has been accepted. Is that right?

A. Yes, sir.

Y. But as to the matters of classification and occupation you do not pretend to be an expert, and you have been content to leave those mat-

ters in the hands of an able special committee appointed by the Mayor and Commissioners?

A. I should much prefer to.

Q. And if the Commissioners, acting with that special committee and with the City Solicitor, have endeavored to secure from the Legislature such legislation as they deem necessary to bring about those results, you would say that they had done something?

A. I should think they had done all they could.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Well, Mr. Tudor you said that you were asked about the pensions. Didn't you hear that this case that was referred to of the one man who had ninety dollars pension was not an isolated case, but that there were a number of other cases down there of persons in the almshouse who received pensions and who went to town and used them?

A. I wasn't aware that that was the case.

Q. Didn't you read the testimony in that respect?

A. Yes, I remember that that was spoken of in the report.

Q. And if there are a number of such cases don't you think it is a matter for comment and correction?

A. Yes, most certainly.

Q. And would you approve or do you think either common sense or law would require the Board of Commissioners to keep a man down there year in and year out, letting him go up and get his pension money and go on a debauch and spend it and then come down again?

A. Well, I don't know how you are going to stop him from coming back if he spends his money.

Q. Well, don't you know that in other institutions where men receive pensions the condition on which they are kept there is to turn over the pensions to the institution, to the town?

A. Yes, sir; certainly.

Q. That is done, isn't it?

A. Yes, — ought to be.

Q. In the Springfield Almshouse — perhaps you have read the letter here in regard to that?

A. No, sir.

Q. They turn over the pension in order to remain?

A. Yes, sir.

Q. That is the general condition governing institutions, isn't it?

A. Yes.

Q. It is the condition on which they can remain?

A. Yes, sir.

Q. That is common sense and common honesty, isn't it?

A. Certainly.

Q. Now, you were asked by Mr. Reed whether you were not content to leave this matter of enforcing classification and compulsory labor with the special committee. Don't you know, in regard to this special committee which was appointed, that the office expired with the giving of that report June 30, 1892, and that there wasn't any special committee or any committee intrusted with the matter who could act on the matter between then and the latter part of 1893?

A. No.

Q. Didn't you know that was a fact?

A. No, I didn't.

Q. Then when you answered Mr. Reed's inquiry you did not know that there was not such a committee in existence during that period?

Mr. REED. — I did not ask the question covering any period. I asked the question on the matter that you drew out of him.

Mr. BRANDEIS. — But the report of that committee, made June 30, '92, terminated their existence. It was the act by which they abdicated all powers, their term expiring June 30, 1892, and between that time and about the time Mr. Tudor wrote his letter, at the beginning of 1894, there wasn't any committee or Board of Visitors at all.

Mr. REED. — There was a Mayor and City council to act on the reports of those committees.

Mr. BRANDEIS. — Yes, but they haven't acted, and the Commissioners hadn't even referred to it.

Mr. REED. — That isn't his fault.

Mr. BRANDEIS. — Well, that isn't his fault. It was his misfortune, as it was that of all citizens of Boston.

Mr. REED. — Neither you nor he seemed to have taken it up until a long time afterwards.

Mr. BRANDEIS. — Well, I didn't know about it — never had been to Long Island until I met you there in March.

Mr. REED. — Yes, and you didn't go then until your professional duty carried you there.

Mr. BRANDEIS. — I went down there as any citizen has a right to go.

Mr. PROCTOR. — You went down as a citizen of Boston before the hearing opened, one time after another.

Mr. BRANDEIS. — I did, certainly.

Q. Now, Mr. Tudor, you don't wish to have it remain in the minds of the committee that you in any way wish to change the testimony which you gave in answer to my questions in regard to the report?

A. No, I back up that report.

Q. You back it up in every respect?

A. Yes, sir; I should subscribe to that report.

Q. In every respect?

A. Yes, sir.

Q. (By Ald. LEE.) One question. You say you back that report up, and if, as a good citizen of Boston, you had known of a bill pending before the Legislature, you would have gone there and backed it up?

A. If it were applied for — I think so.

Q. Now, don't you think it would have been the part of good citizenship if the Board of Visitors had gone to the Legislature and set forth their recommendations there in a bill, as good citizens?

A. I didn't hear the whole of your question.

Q. I ask you, don't you believe that the Board of Visitors, who made that report, Mr. Brandeis claiming that their term of office expired on the 30th of June, '92, — that they should have followed it up and have gone to the Legislature and gotten a bill? Don't you think they would then have been acting the part of good citizens?

A. I think I should have done so if I were one of the committee.

Q. (By Mr. BRANDEIS.) Now, one further question — you know Mr. Babson, the Corporation Counsel?

A. I think I have met him in his office.

Q. He is the Corporation Counsel of the city of Boston, and you have great respect for his opinion in matters of law?

A. I am not confident that I know Mr. Babson — used to know his predecessor.

Q. And if Mr. Babson, the Corporation Counsel, has given an opinion in writing to the Mayor —

Ald. LEE. — Now, what do you mean, a legal opinion or an administrative opinion?

Q. (By Mr. BRANDEIS.) Given a legal opinion to the Mayor and also to Dr. Jenks, the chairman of the Board of Commissioners, that they have to-day ample power to make rules and to enforce rules and to enforce work, and he sets out the reasons for that in an elaborate opinion after he has considered the subject, and also having had a

different opinion himself at first upon a slight consideration of the subject—if he gives now a formal opinion to his Honor the Mayor and Dr. Jenks in which he sets forth fully the reasons for the conclusion that he has reached, that ample power exists to enforce work and to enforce rules for the proper management of the institution, in which you believe, would you see any use whatever in going to the Legislature and getting anything further?

A. I should be inclined to listen to Mr. Babson, I think.

Q. Yes; and if he gave that opinion deliberately and after full consideration, and with a large area of reasoning and precedent to support him, you would act upon that opinion?

A. If I had been a member of the Council I think I should have tried to have the reforms adopted.

Q. And you would have had confidence in his opinion and have acted on it, wouldn't you?

A. Yes, sir; I think so. I think I should.

Q. And pursue it until the Court said it was wrong.

A. Yes.

Q. (By Ald. LEE.) You would want the city, however, if you were one of the Commissioners, and if it were said that you had violated the law by imprisonment or anything of the kind at the island by locking up—you would want them to stand behind you in any suit that might be brought? You would make that one of the provisions would you not?

A. Yes,—try not to get myself in a hole if I could help it.

Q. (By Mr. BRANDEIS.) Would you think you were getting yourself in a hole if the Corporation Counsel gave you legal advice as to how to act?

A. No, I should expect the Corporation Counsel to defend me for nothing in that case.

Q. And not only that but you would have confidence that he would have no occasion to defend you, wouldn't you?

A. I think I should.

Q. If he laid down that as a construction of the law you wouldn't think there was any danger, would you?

A. Well, I wouldn't say that I wouldn't.

Q. Wouldn't you act upon it?

A. I think I might, perhaps, have asked other advice. I think it might be a serious question.

Q. Well, don't men at all times act upon things on which there may be doubt? There may be doubt upon anything.

A. Well, having heard Alderman Lee's suggestion, I don't know whether I would want to act on Mr. Babson's advice in that case. In a legal question like that I would want pretty good legal advice.

Q. Well, wouldn't you think Mr. Babson's was pretty good?

A. Well, I think possibly there may be other lawyers that rate higher even than Mr. Babson.

Q. Well, you would act on Mr. Babson's advice or go to other counsel with a higher reputation—and I don't know then as you would get better ability?

A. As far as I know of Mr. Babson they speak very highly of him, but I don't know that the Supreme Court would defer to his opinion on every case.

Q. Wouldn't defer to any man's would they?

A. No.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Just one question about those opinions. Assuming that at the time this special committee of '92 had this matter under consideration this same Corporation Counsel, Thomas M. Babson, had

given an opinion to the chairman of that committee stating distinctly that there was no power in the Commissioners of Public Institutions to enforce these results, and that that was the only opinion which had been given on the subject up to the time that the limit for new business to be introduced into the Legislature of 1894 had expired, would you criticise the Commissioners for following that opinion rather than one which came later?

A. Well, that is a very long question and it may take me half an hour to study it out. I think I will have to ask the stenographer to repeat that.

(The stenographer repeated the question.)

Well, what were the conditions of the opinion which came later?

Q. The former opinion to which I have referred stated distinctly that the Commissioners had no power.

A. But what is the one that came later?

Q. The one that came later was diametrically opposite. Up to May 10, 1894, after this investigation was under way, and the time for asking the Legislature for additional authority had passed for this year, there had been no opinion excepting an opinion of Mr. Morison, chairman of the special committee, stating that the Commissioners of Public Institutions had no authority in the premises. Then, May 10, an opinion on the opposite side was given. Now, my question was, are the Commissioners to be criticised for following the former opinion?

A. No.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Now, I will ask you another question, Mr. Tudor.

A. I don't care how many questions you ask, because you have to do most of the talking.

Q. Assuming that these Commissioners, Mr. Tudor, came into office in May, '89, and that, as you have stated, any person of common sense who had considered the subject must know that classification and compulsory labor were necessary for the proper management of the institutions, don't you think that these Commissioners ought, if they believed that they didn't have power to enforce the labor and classification, between May, '89, and January, '94, have attempted to get some legislation?

A. Yes, if as citizens of common sense they believed it would have been possible to do it.

Q. That is, if they didn't believe they had power they ought to have attempted to get it?

A. No, I didn't say that. I said if they didn't believe they had power, they needn't act unless they believed there was a chance of their getting it.

Q. Now, do you think there is any doubt of the chance of their getting it if they really want it?

A. I do.

Q. Why?

A. I think politics come into these questions altogether too much. It isn't a question of humanity, it isn't a question of reforming these prisoners, half so much as it is a question of politics.

Q. Well, you think it isn't worth while making a reform?

A. I think it is very doubtful if the attempt can be made successfully.

Q. Well, do you think it isn't worth while to make the attempt?

A. No, sir, I didn't say that.

Q. Do you think the report of the Board of Visitors, seconded as it seems to have been by many high officials, endeavoring to secure

classification and compulsory labor at the institutions, has been work thrown away — that there is no use trying it?

A. I am almost afraid that is my opinion.

Q. Why do think that is so?

A. Because I think it is a question of politics rather than administration.

Q. You think it is useless to attempt any reform?

A. Yes.

Q. Why is it a question of politics?

A. Because I don't think the average citizens cares anything about it. It is only a certain class, a few people, very often the best in the community, but they are not always the most influential and they don't cast all the votes — they don't have a majority — that is the trouble.

Q. And you think, therefore, it would be useless to make the attempt, and the Commissioners would be excused for not making any attempt to enforce this?

A. Well, I think they would be men of great courage to undertake it.

Q. Well, don't you think they are — that one of them, at least, is a man of a good deal of courage?

A. Perhaps it would take even greater courage than he has.

Q. To make the attempt?

A. I don't say to make the attempt. I say I think there is small hope of carrying it through.

Q. And you would exculpate them from any blame for not attempting to carry it through?

A. Well, so far as my statements go, I should.

Q. That is, you don't think it is a proper thing to attempt to get legislation?

A. No, sir; I didn't say that. I said I thought there was small hope of their success.

Q. Do you think it would be proper not to attempt to get legislation if they believed they didn't have the power? You don't think it was proper not to have attempted it — whether, if they thought they didn't have the power, it was a proper thing to attempt to get legislation before '94?

A. I think as a practical matter they probably used their best judgment. They felt that they couldn't get the power.

Q. I am not asking you whether you thought they used their best judgment.

A. You asked me if I thought they should be excused, and I say "Yes."

Q. And you think, therefore, there ought not to be any attempt made?

A. I think they are not censurable for not doing it — that is, the Commissioners.

Q. And you think they are not censurable for not trying, although lawyers say they have the power — not trying to enforce that power, standing there with their hands idle, although no Court has said that they have not the power to do it, and lawyers say they have the power, and when the citizens also came forward and undertook to hold up their hands and help them?

A. I believe, of course, they would need the assistance of citizens.

Q. Yes, exactly, and that was the very use of the Board of Visitors — by arousing public sentiment.

A. Yes, sir.

Q. And as that was the very purpose, and they needed the support of the citizens, don't you think you ought to have rallied to the support when others started the movement? Somebody has got to start it?

A. Yes, sir,

Q. It doesn't spring from the earth?

A. No, sir.

Q. And when this Board of Visitors and Mrs. Lincoln urged again and again this classification and compulsory labor you think they were doing what you consider necessary and proper in connection with the management of the public institutions?

A. Yes, sir; I hope they will continue.

Q. And you approve of it?

A. Yes, sir.

Q. And you think the thing cannot be run properly without that support in the community?

A. Yes.

Q. And all that they have said in regard to the necessity of arousing public sentiment in favor of it is correct?

A. A great deal of it.

Q. To secure good management you think there should be a proper public sentiment in regard to the institutions?

A. Yes — can't do it without arousing public sentiment.

Q. And you are willing to join with them in any further efforts to accomplish that result?

A. Yes, sir.

Q. I think we can congratulate them on your coöperation.

Q. (By Ald. LEE.) Mr. Tudor, do you think the Commissioners could be criticised if they had presented a bill to the Legislature and that bill was thrown out or rejected? Should they, then, be criticised for asking for these very reforms?

A. No.

Q. If they had made the attempt to get the legislation they should not be criticised?

A. No; and what I also said was that it was doubtful if they ought to be criticised anyway, because as practical men it seems to me they know if they cannot get the power.

Q. Well, there are some things that they may be open to criticism on. Now, I want to ask you, Mr. Tudor, as a citizen of Boston and a tax-payer, I believe, if the city of Boston pays \$12,000 or \$13,000 a year to three men, and the statute law says they shall have the entire management and care of the institutions, what would you do if they neglected their duty?

A. Well, I don't know what the proper procedure is, whether impeachment or what.

Q. Well, they are appointed by the chief magistrate and confirmed by the Board of Aldermen and are subject to removal for cause.

A. I should ask for a hearing and bring the charge against them.

Q. Then, if you have three gentlemen there serving as Commissioners and receiving \$12,000 or \$13,000 a year, do you believe that it is necessary to appoint a board of visitors with supervisory power over them?

A. Yes.

Q. You do?

A. Yes, sir.

Q. That is where you and I disagree, that is all.

A. I will tell you why, if you will allow me.

Q. I shall, certainly, I want to get myself clear on this, you know. I may be in error and you may be right.

A. I think the officials and managers of an institution sometimes have great difficulty in getting at the truth, and the inmates would not be apt to talk with them. The officials would not be apt to talk with them unless they were asked specific questions. Now, the visitors can go down and can talk with the inmates, can talk with the officials, and being people of the world and of good practical judgment, they can take what

they find to the Commissioners. That is the sense in which I think they might be useful.

Q. Then the statements which you made in regard to what Mrs. Lincoln based her complaints upon, that she should not take it from the inmates, you want to retract?

A. No, I qualify that.

Q. You don't want to take it back?

A. No; I say too much attention shouldn't be paid to the complaints of inmates, especially certain kinds of inmates — the old, the feeble, and, perhaps, those who have been always unfortunate, those always down on their luck. As I say, these people, when they eventually get to heaven will have fault to find — never will be contented anywhere.

Q. Well, that is a chance we have all got to take, isn't it?

A. Yes.

Mr. RILEY. — We won't find any fault if we get there.

Q. (By Ald. LEE.) Then you believe that a Board of Visitors might visit the institutions — I will take the pauper institutions, leaving the penal institutions out — and get more information than the three Commissioners who are paid twelve thousand or thirteen thousand dollars a year?

A. In some respects I do certainly think they could.

Q. Well, you think they could get it from the inmates or the officers, which?

A. Both.

Q. Well, you think the officers in the institutions, if the Commissioners went down there and asked them any questions, would not answer them truthfully?

A. That isn't it exactly. It is simply that every man knows when those things exist that the head man, the manager, doesn't get the truth. It is kept from him.

Q. What exists?

A. He doesn't get the truth always. There is always a small crowd about every man who occupies a high position who take particular pains that he shall not know the whole truth. It is always so.

Q. Well, have you found that so in the Architect's Department?

A. Well, I don't know but it may be so. I know I have been hauled over the coals pretty badly up there sometimes. Mr. Wheelwright is a pretty hard taskmaster, and I have thought sometimes that if I paid a little more court to Mr. Wheelwright I would receive better attention, but my work fortunately has carried me through every time. I am not much of a courtier, but there are men who are, who make it a business to surround the high man and keep him from knowing anything that isn't to their personal advantage.

Q. (By Ald. LOMASNEY.) And you think that there is such a clique around the different institutions?

A. I think there are such cliques all over the world, everywhere, ramifying right through society.

Q. (By Ald. LEE.) Even in the Board?

A. I shouldn't wonder.

(A recess was taken at 6.54 o'clock P.M. to 8 o'clock P.M.)

EVENING SESSION.

The hearing was resumed in the Aldermanic Chamber at 8 o'clock P. M., Chairman HALLSTRAM presiding.

WILLIAM N. FLANDERS. — *Sworn.*

- Q. (By Mr. REED.) Your name?
- A. William N. Flanders.
- Q. What is your business, Mr. Flanders?
- A. I am in the wholesale grocery business.
- Q. And for what house do you work now?
- A. Martin L. Hall & Co.
- Q. Where is their place of business?
- A. 14 South Market street.
- Q. Wholesale grocers?
- A. Yes, sir.
- Q. And how long have you worked for them?
- A. I have been with them about eighteen months.
- Q. Previous to that time where were you employed?
- A. I was with S. S. Sleeper & Co.
- Q. What is their business?
- A. Wholesale grocery business.
- Q. Have you been selling groceries to the City of Boston for use in the public institutions?
- A. I have.
- Q. And how long have you been selling to the city?
- A. Well, I don't know exactly how long, but I commenced selling them, I think, ten or twelve years ago.
- Q. Then you sold before the present Board of Commissioners came into existence?
- A. I did.
- Q. Before they had charge?
- A. Yes, sir.
- Q. Now, what is the system of purchasing? How do you get the business?
- A. The first and fifteenth of the month, we go to the Commissioners' office, and they make out a list of the goods they are to buy, and we make our prices. I make my prices on the requisitions which come in on the first and fifteenth. I make my price and I hand it in — practically a bid.
- Q. Do you make a bid?
- A. Yes.
- Q. And then, how do you know whether you get the business or not? Are you notified then and there or later on?
- A. Later on. We are notified later on as to whether we get the orders or not.
- Q. Do you know whether there is any competition for those orders?
- A. Yes, sir; there is a great deal.
- Q. You submit your bids the first and fifteenth?
- A. Yes.
- Q. And if your bid is the lowest you get the business?
- A. Yes, sir.
- Q. Is the quality of the goods to be furnished specified?
- A. Well, there are a great many things that you cannot specify the quality of. They are all to be good things. I have been notified before

the different superintendents that I was supposed to furnish nothing but good goods. The chairman of the Board buys the goods generally, and he notifies them that he buys such goods, and he has told them several times in their presence that he buys good goods of me, and that if they get anything that is not satisfactory they have a right to return it at once.

Q. Then, that instruction has been given in your presence to the various superintendents?

A. It has. They are all gathered there almost every Saturday morning, I believe, and once or twice he has notified them in my presence that he bought goods that would be satisfactory, and that if they got any that were not so they should return them.

Q. Do you sell to any other institutions except the public institutions of the City of Boston?

A. Yes, I sell to the State Almshouse at Tewksbury, the State Farm at Bridgewater, the Reformatory at Concord, the West Roxbury Insane Hospital, and several institutions—for instance, like the Normal School, etc. We sell them a good many goods.

Q. Well, will you name some of the articles which you furnish?

A. Well, sugar, molasses, oatmeal, tea, spices, raisins, prunes, and various other articles. Those are the staples, I think.

Q. Well, what is the quality of the goods furnished to the institutions in Boston as compared with those furnished to other institutions?

A. They are as good goods as the other institutions buy. We don't carry a separate line of goods for the institutions. For instance, oatmeal—they buy the best oatmeal there is produced. Sugar—they buy more granulated sugar than anything else. Now, there is only one quality of that. And, then, in regard to molasses, they buy good cooking molasses—pure molasses.

Q. Then, in your business, you have no different grade of goods for the institutions? You take what you deliver to the institutions out of your stock?

A. Yes.

Q. And do you sell the same goods to the retail trade?

A. Yes, we do a great deal of it. Of course, there are different grades of trade. For instance, we sell a great many things east. They buy a great many things of the same grade of goods. The city stores handle a better class of goods as a rule; but the oatmeal and the sugar, and most of the goods, we sell the best that is produced. There are no two or three grades in them.

Q. And your instructions from the commissioners are to furnish good goods?

A. Yes.

Q. You are acquainted with all the members of the Board of Commissioners, are you not?

A. I am.

Q. Do you know Dr. Newell?

A. I do.

Q. Now, has Dr. Newell called on you at your place of business at any time since you have been furnishing goods to the institutions, that you recollect of?

A. Yes, he used to come in once in a while. In fact, when he was down that way he used to drop in to see me. I was always on friendly terms with Dr. Newell.

Q. Did he call on you at your place of business during the absence of the chairman of the Board a year or two ago?

A. He did.

Q. Do you remember when that was?

A. I don't remember when it was. I don't remember just when it was. It was when I was connected with S. S. Sleeper & Co.

Q. And when Dr. Newell was a commissioner of public institutions ?

A. Yes, sir.

Q. It must have been more than eighteen months ago, then ?

A. Yes : it must have been as long ago as that.

Q. Well, where was S. S. Sleeper's store ?

A. On South Market street.

Q. And Dr. Newell came there, did he ?

A. He did.

Q. Did he have a talk with you about the institution matters ?

A. Yes. He thought they were not buying as good goods as they ought to buy.

Q. Did he call you aside and talk with you about it ?

A. He did.

Q. Now, what was the conversation ?

A. He said that he didn't think that Dr. Jenks was buying as good a class of goods for the institutions as he ought to, and he asked me if I didn't think that the doctor tried to buy the goods very close, and I said "Yes." Sometimes I felt as though there was no money in selling them at the price I did. He wanted to know if I would not go to the Mayor and tell him that the doctor was not buying proper goods. I told him that I could not do that; because the doctor had told the superintendents that he bought good goods, and I told him that it was optional with me, and if I didn't want to sell them at the price they could buy them at, I need not sell them. I said that he had been fair to me in the matter, and that I could not make such a report.

Q. Well, that report would not have been true, would it ?

A. No, it would have been false. I could not go and make that statement, because they never had any poor goods from us.

Q. And what was his object, as he stated it to you, in getting you to go to the Mayor ?

A. He told me that the doctor would not stay on the Board very long, and he thought it would be to my interest to go to the Mayor and report that.

Q. And you declined to go ?

A. I did.

Q. As a matter of fact, at that time they were getting as good goods as possible for the price they were paying, were they not ?

A. Yes, sir.

Q. Well, what inducement was held out to you if you went to the Mayor with that story ?

A. Well, I don't remember just what the conversation was, but it was that it would be better for me if some one else bought the goods for the city of Boston, and that perhaps I would have a chance to get more out of it — my profit would be better. That is, owing to a higher grade of goods, there would be more profit on them.

Q. But this grade of goods was the same grade that you were supplying to other institutions ?

A. Yes, sir. They buy as good a grade as any of the other institutions buy.

Q. Was anything said to you at that time about the probable successor of Dr. Jenks in the chairmanship of the Board ?

A. Well, I don't remember that. I don't remember whether there was or not.

Q. Well, Dr. Jenks was the only man who was named to you as a commissioner who was to be removed ?

A. He was.

Q. And Dr. Newell was to remain as a commissioner ?

A. As I understood it.

Q. Have you ever related this circumstance to the Mayor ?

A. I did.

Q. Did you do it of your own volition?

A. No, I didn't. I didn't propose to say anything about it at all, but I was talking confidentially with General Donohoe at one time, and I told him of the matter. I didn't suppose it would go any further; and I didn't know it had until Dr. Jenks asked me if such and such a thing was true — if Dr. Newell had been down to see me, and I said he had. He wanted to know the conversation and asked me to make a statement in writing. I told him I didn't care to do that, as I didn't want to get mixed up in it. Anyway, I didn't suppose that— I didn't want to get drawn into the matter. And he said, Well, the Mayor wants to see you. I went up to City Hall and saw the Mayor and talked with him and told him the circumstances.

MR. REED. — Your witness, Mr. Brandeis.

MR. BRANDEIS. — I don't care to ask any questions. Do you, Mr. Riley?

CROSS-EXAMINATION.

Q. (By MR. RILEY.) Were you connected with the city government at any time?

A. No, sir.

Q. What is the principal article you have been selling to the city?

A. Well, in amount we sell more sugar than anything else.

Q. Now, how much a pound do you get for it?

A. Four and a sixteenth. You asked the price?

Q. Yes, sir.

A. Yes, sir.

Q. Can you name any individual in the city to whom you have sold sugar at that price?

A. Any individual?

Q. Yes, sir.

A. Well, the price is fixed —

Q. Now, answer the question, please.

A. I can remember some grocers that I sold to.

Q. Well, your answer is yes.

A. Yes, sir.

Q. Will you name any of them?

A. I have sold Wall Brothers, at the South End. I have sold the United Service stores on Pearl street.

Q. Well, you sold them at the same price?

A. The price is fixed on sugar every day. We have only one price for the granulated sugar.

Q. That is, you didn't sell the institution any cheaper than the others who applied at the store?

A. Not granulated sugar; no, sir.

Q. Well, what price did you sell it to them for?

A. Well, the price of granulated sugar fluctuates almost every day.

Q. If you please, take the price of the other sugars — not granulated. What were you asking the city for the others?

A. Three and a quarter cents.

Q. Was that what you were selling it to other parties for?

A. Yes, sir.

Q. The same thing?

A. Yes, sir.

Q. Now, will you name any other article that you supply the city.

A. Oatmeal.

Q. Yes. Do you mean to say that oatmeal commands but one price?

A. No, sir.

Q. There are many prices for oatmeal, according to the grade?

A. Yes, sir, there is only one grade of oatmeal — the coarse and the fine. In the quality, it is all one quality.

Mr. RILEY. — Certainly. There is only one grade of whiskey and gin.

Ald. LEE. — Are you sure of that?

Mr. RILEY. — Yes, only one.

Ald. LEE. — How about Miller's Game Cock?

Mr. RILEY. — It is only at the island they would know anything about that.

Q. (By Mr. RILEY.) What was the price you were charging for the oatmeal?

A. Is it necessary for me to take and tell just the price and quality?

Q. If you don't understand my question, say so, and I will make it still more simple?

A. I understand that.

Q. Then, answer it.

A. Will you state your question again, please?

Q. What price were you charging for oatmeal?

A. \$4.55.

Q. For how much?

A. For a barrel — 200 pounds.

Q. What?

A. 200 pounds — a barrel.

Q. And was that the price you were getting from other parties?

A. No, sir.

Q. Was it less?

A. Yes, sir.

Q. What were you charging other parties?

A. From \$4.65 to \$4.75.

Q. Yes; so that you charged the city less than you charged others?

A. Yes, sir.

Q. And was that the same price you were charging Tewksbury — the institution at Tewksbury?

A. I don't think I sold Tewksbury any oatmeal.

Q. Now, what other article do you name?

A. Well, we sell rice — a large quantity of rice.

Q. What do you charge the city for that?

A. Charge them three cents.

Q. A pound?

A. Yes, sir.

Q. What do you charge others?

A. Well, all the way from three to three and a quarter cents — whatever we can get.

Q. What is the price of good rice per pound?

A. Well, it varies all the way from — you can buy rice all the way from three cents to six and one-half cents and seven.

Q. You can hire men all the way from fifty cents a day to \$1,000 a day?

A. Yes, sir.

Q. What is the price of good rice per pound?

A. Oh, from four and one-half cents to seven cents.

Q. And the city was paying you how much?

A. Three cents; but they buy a different —

Q. Now, if you please. Were you selling it to anybody else as cheaply as you were to the city?

A. I think the last rice I sold Tewksbury I sold for three cents — I don't just remember.

Q. Did you sell rice to any stores here at three cents a pound?

A. No, sir.

Q. You didn't?

A. No, sir.

Q. So that that price was away down?

A. Yes, sir.

Q. In other words, it was the cheapest rice you had?

A. Yes, sir.

Q. What?

A. Yes, sir.

Q. That is right?

A. Yes, sir.

Q. If you tried, you couldn't get anything cheaper?

A. Yes, sir.

Q. Well, you didn't try to get anything cheaper?

A. Yes, sir; I had occasion to look the matter over, and I found I could get a rice for—

Q. I mean you didn't try to get anything for the city at a lower rate?

A. No, sir.

Q. You would have been ashamed to have supplied anything worse, wouldn't you?

A. No, sir.

Q. What?

A. No, sir.

Q. Does the price of rice vary also?

A. Yes, sir.

Q. What time are you fixing for the price?

A. I was fixing the price for to-day.

Q. For to-day?

A. Yes. To-day is the 18th. Saturday I made prices. That is what I am governed by. I made prices at the commissioners' office Saturday.

Q. And what was the price you fixed on Saturday?

A. Three cents.

Q. Three cents a pound?

A. Yes, sir.

Q. Is that the cheapest grade of rice you carry?

A. Yes, sir.

Q. So that they get down to the very cheapest grade you have? I am right, am I not?

A. Yes, sir.

Q. From you they could not get anything cheaper, now, could they?

A. No, sir.

Q. Now, the next article.

A. Well, there is molasses.

Q. Yes; what were you charging the city for that?

A. Ten cents.

Q. A quart?

A. Ten cents a gallon.

Q. That is as low as you can sell it, wasn't it?

A. Yes, sir.

Q. Did you sell it to any other concern as low as that?

A. No, sir, we haven't.

Q. You didn't?

A. No, sir.

Q. What is the price of good molasses by the gallon?

A. Well, it is a question—price varies.

Q. Oh, no need of saying that. What is the price of good molasses a gallon?

A. You can buy good molasses all the way from ten cents to twenty-five cents.

Q. Ten cents is the lowest?

A. Yes, sir.

Q. Yes. Twenty-five cents is the best?

A. No; you can buy a fancy molasses for thirty-three or thirty-four cents.

Q. Well, I am not much of a believer in fancy things.

A. I know these are pure goods that I am speaking of.

Q. Good molasses will command more than ten cents a gallon, won't it?

A. Yes, sir.

Q. It will command twenty cents, won't it?

A. Yes, sir.

Q. And the molasses you would buy for twelve cents would be better than you would get for ten cents, of course?

A. I beg your pardon. Will you ask that again?

Q. You would get better molasses for twelve cents than for ten cents, wouldn't you?

A. No, sir.

Q. Why not?

A. Because you cannot get it.

Q. Don't you think a little more money would produce a better grade?

A. You would have to pay considerable more.

Q. Well, say fifteen cents?

A. Yes, I think it would.

Q. And then you would not have the best by any means, would you?

A. No, sir.

Q. And even at twenty cents you would not have the best?

A. No, sir.

Q. Now, you would not use at your house the ten-cent molasses, would you?

A. No, sir.

Q. You would not give it to your servants?

A. No, sir; because I—

Q. Well, have you sold molasses as low as ten cents to any other parties?

(No response.)

Q. Well, it shouldn't take a long time to answer that.

A. Well, I was trying to think.

Q. Now, I know what you are trying to do, and what I am trying to do. Just answer the question. Have you sold it at that low price to anybody else?

A. Yes, sir.

Q. What body?

A. (Hesitating.) Well, I cannot tell you right here.

Q. Well, that answers my question. You cannot tell. That is the answer. It is pretty hard to tell?

A. Well, the reason—

Q. No, I don't care about the reason. I want the fact. There is too much reasoning in this world of some kinds—that is, false reasoning. Now, the next article. What is it?

A. Tea.

Q. Well, now, that is something that perhaps I understand a little more about. How much does the city pay for tea?

A. Is it—

Q. Now, the question is very simple.

A. Can I ask a question for information?

Q. What?

A. Can I ask a question for information?

Q. No, by and by.

Mr. REED. — Mr. Chairman, is it not allowable for the witness to ask you a question if he wishes to?

The CHAIRMAN. — Certainly.

The WITNESS. — I don't think it is hardly fair for me to stand here and quote prices. I am perfectly willing to state what I sell goods to the city for, but it don't seem to me it is fair to take and ask this thing.

Mr. RILEY. — You ought to have thought of that before.

The WITNESS. — The competition is very sharp on certain kind of goods, and I don't think it proper to quote my prices.

Mr. RILEY. — You are arguing now.

Mr. REED. — He is talking to the Chairman.

Mr. RILEY. — Oh, you will talk your head off some day. Now, Mr. Witness, if you please.

Mr. REED. — No; you wait a minute, Mr. Flanders.

Mr. RILEY. — No, don't pay any attention to this man at all until I get through with you.

The CHAIRMAN. — Will Mr. Riley please wait until I hear what Mr. Reed has to say?

Mr. REED. — Mr. Chairman, what the witness objects to doing —

Mr. RILEY. — Now, Mr. Chairman, I object.

Mr. REED. — Well, I shall make a speech to the Chair, no matter how much you object.

Mr. RILEY. — Well, I can tell you that we don't find very much in your speeches.

Mr. REED. — Well, I don't suppose that you will.

The CHAIRMAN. — The Chair will permit Mr. Reed to address the Chair.

Mr. REED. — The witness, Mr. Chairman, objects to coming here and quoting the prices at which he sells to the city, and then contrasting those prices with the prices which he gets from other people, and from other institutions, for the same goods. I don't think that the ends of this investigation will be served by requiring him to enter into the details of his business in that way. I think he has certain rights in his business which we ought to respect. He doesn't come here voluntarily, and I think it is the duty of the committee to protect him in that way. That is all.

Mr. RILEY. — Now, if you will answer, Mr. Witness.

The WITNESS. — Did the chairman decide?

Mr. RILEY. — I think he did.

The CHAIRMAN. — What was the question that Mr. Riley put? Will the stenographer please read the question?

(The stenographer read the following: "Q. Well, now, that is something that perhaps I understand a little more about. How much does the city pay you for tea?")

Mr. RILEY. — That is just what I want to get at. They put this witness on the stand to show what a magnificent grade of goods he has been supplying the city, and now when we begin to question him in another way we see that the grade of goods is not such as anybody else would buy, and when we begin to find out that they object.

Mr. REED. — We don't object to any question in regard to the quality of these goods. We haven't, notwithstanding that Mr. Riley says we have. All we object to is pushing this man to disclose business secrets.

Mr. RILEY. — You should have advised him to keep away.

Mr. REED. — Perhaps I advised him right. You may find out before you get through.

(The committee consulted together.)

The CHAIRMAN. — The Chair will rule that so far as the price of the articles which you have furnished the city is concerned, that is perfectly competent for you to testify to. It is also competent for Mr. Riley to question you, and for you to answer, as to the prices at which you have sold outside parties; but you need not give the names of any parties to whom you sell these other goods.

Mr. RILEY. — Oh, I will be satisfied with that. Now, to get to the tea.

Q. (By Mr. RILEY.) You sold tea to the city, didn't you?

A. Yes, sir.

Q. What do you charge?

A. May I speak to the chairman a minute?

Mr. RILEY. — No, sir. I insist upon having an answer to that simple question. You know we won't finish this year if we go on in this way. This witness is in for a long cross-examination I can see that, and let us get through to-night, if we can.

Ald. LEE. — You mean with the witness?

Mr. RILEY. — Yes, sir; but we cannot do it at this rate. What do you charge the city for tea?

The CHAIRMAN. — Is there any reason, Mr. Witness, why you should not answer that question?

The WITNESS. — Only this reason. I take and make my prices up there, and it is not known to anybody. My competitors all want to know what my prices are. I am perfectly willing to state the prices to the committee privately, but if this price is to be quoted all over Boston, and I am to go out and meet my trade, I don't like to quote those prices. I am perfectly willing to quote the prices to the committee in private, but it don't seem to me it is necessary to advertise the thing all over the city. That is my only objection, because any one can find out what prices they paid.

Mr. RILEY. — Well, the price would, if advertised, undoubtedly crowd your store for the goods; but the goods given for those prices would undoubtedly disperse the crowd very rapidly. Now, what do charge the city for tea?

The WITNESS. — Shall I answer that, Mr. Chairman?

The CHAIRMAN. — I don't see any other way.

The WITNESS. — Ten and a half cents.

Q. (By Mr. RILEY.) What is the price in the market to-day for the best tea?

A. You mean the best thing there is?

Q. I mean what I say.

A. Seventy-five cents.

Q. Some as high as a dollar and a half a pound?

A. Not in the wholesale trade. At retail, it might be sold for that. I am talking about the wholesale price.

Q. Well, take the tea that S. S. Sleeper & Co. sells at retail for a dollar and a half a pound. What is the wholesale price for that tea?

A. I don't know what he sells.

Q. English Breakfast tea?

A. I don't know.

Q. Never heard of that tea before, did you?

A. Well, I have heard of all prices of tea. I don't know what they are selling. I haven't drawn the tea. I cannot tell.

The CHAIRMAN. — He is not supposed to know what S. S. Sleeper & Co., sells.

Mr. RILEY. — No, I suppose not.

Q. (By Mr. RILEY.) You sell this tea for ten and one-half cents a pound, did you say?

A. Yes, sir.

Q. Where did it come from?

A. It came from —

Q. What is the name of the tea?

A. It is Coughlo English Breakfast tea.

Q. Where did it come from?

A. It came from India.

Q. What part of India?

A. I don't know.

Q. Will you swear it came from India?

A. No, sir.

Q. Can you get anybody here to swear it came from India?

A. I don't know.

Q. Now, where was it made?

A. I don't know. It was —

Q. Where did you get it?

A. We bought it from the importers.

Q. From whom did you buy it?

A. Dudley, Hall, & Co., I think, were the last.

Q. Where is that store?

A. On State street.

Q. What did you pay for it?

The CHAIRMAN. — That the Chair will rule out.

Q. (By Mr. RILEY.) Is that firm in existence now?

A. Yes, sir.

Q. Now, have you sold that tea to other parties — that sort of tea?

A. Oh, yes; yes, sir.

Q. And other institutions?

A. Yes, sir.

Q. At what price?

The WITNESS. — Mr. Chairman, is it necessary for me to state what price?

Mr. RILEY. — Oh, yes, yes. This is a cross-examination. I will try to develop the truth, and that is what a cross-examination is for. You will see this witness had better have been kept away.

The CHAIRMAN. — The Chair thinks that is a fair question to answer.

The WITNESS. — I sold it to the State Almshouse at Tewksbury.

Mr. RILEY. — When?

The CHAIRMAN. — The Chair told you that you need not give the names of any of your customers.

The WITNESS. — He asked me where I sold it, and you said that I must answer it.

The CHAIRMAN. — I didn't understand your question. You will pardon the Chair. It was the price that he asked you, as I understand it.

Mr. RILEY. — Yes, that is what I confined myself to.

Q. (By Mr. RILEY.) What did you charge the State Almshouse?

A. I don't want to answer that.

Q. Oh, yes. You charged them more than ten and one-half cents a pound, didn't you?

The CHAIRMAN. — What price have you sold that same tea for, to other persons?

The WITNESS. — We have sold it all the way from twelve to sixteen cents — sixteen to twenty cents.

Q. (By Mr. RILEY.) That is what you have been selling the Commissioners for ten and one-half cents, you have been getting sixteen cents from others, have you?

A. Yes, sir.

Q. Well, did you sell it to the Commissioners at a loss?

A. No, sir.

Q. Then, if you could make a profit at ten and a half cents you made a great deal more at sixteen cents?

A. Yes, sir.

Q. Then you sold it also to the Almshouse for twenty cents?

A. No, sir.

Q. Well, you said from sixteen to twenty cents?

A. I didn't say that I sold it to the Almshouse.

Q. What institution did you sell it to for twenty cents?

The CHAIRMAN. — You need not answer that question, Mr. Witness.

Q. I mean, was it an institution?

A. No, sir.

Q. Or an individual?

A. An individual.

Q. Then somebody was being cheated? Isn't that so?

A. No, sir; I don't think so.

Q. You think that it is right to have a different price for every applicant, every customer?

A. We cannot have one price in our business.

Q. I know, but how is tea which you sell at ten and one-half cents a pound to one person and make a profit on it at that — how is it a fair price to charge another customer twenty cents for that same tea? How do you make that out to be a fair price?

A. We have got —

Mr. RILEY. — No, answer that question.

Mr. PROCTOR. — Well, let him answer the question. Answer it in your own way.

Mr. RILEY. — No, don't mind that man at all. He cannot possibly keep quiet at all,

The WITNESS. — I think, perhaps, Mr. Riley, that if I could get you down there to draw tea with me I could get thirty cents or thirty-five cents from you for that same tea. (Laughter.)

Mr. RILEY. — Undoubtedly you could cheat me, Mr. Witness.

The WITNESS. — I should not want to.

Mr. RILEY. — But you couldn't make me cheat anybody. That is the difference between you and me.

Mr. PROCTOR. — Mr. Chairman, as I understand it —

Mr. RILEY. — Now, hadn't you better sit down. I know you like to pose.

Mr. PROCTOR. — Well, that is all right. You are very amusing. Now, my point, Mr. Chairman, is this — that Brother Riley asked the witness how they could afford to sell to one person for a certain amount and to another person for a higher amount, or words to that effect.

Mr. RILEY. — No, I asked him if it was honest.

Mr. PROCTOR. — That calls for a reason. The witness was about to state a reason. Now, I say that having called for a reason, the witness is entitled to state the reason.

The CHAIRMAN. — The Chair was about to allow him to do so.

Q. (By Mr. RILEY.) Now, Mr. Witness, have you sold tea to any individual — I don't ask you to name anybody —

Mr. PROCTOR. — Why don't you repeat the question? Why don't you have the stenographer read the question?

Mr. RILEY. — Because I don't pay much attention to your side of the house. Have you sold tea to any individual as low as ten and one-half cents a pound?

The WITNESS. — No, sir, not that I remember of now.

Q. Would you use that tea in your house?

A. I would if I drank English Breakfast tea.

Q. What?

A. I think I would if I drank an English Breakfast tea. I don't like it.

Q. There are a great many things that you don't like, but would you be willing to use that tea?

A. I wouldn't if I could afford to buy better.

Q. In other words, you wouldn't think that fit for your own use?

A. Not if I could buy a better one.

Q. Do you use it for your servants?

A. No, sir.

Q. Do you know of any hotel that uses that grade of tea, even for its servants?

A. I don't know of any now.

Q. Not even the poorest of the hotels? Do you know of any restaurants in this city that buy tea at ten and one-half cents a pound to give to their customers?

A. No, sir.

Q. You know there are a great many places in this city, a great many restaurants, which pretend to give a good, full — not a square meal — but a good, full meal for fifteen or twenty cents? Even those places don't buy that tea?

A. They don't of us. We don't sell them.

Ald. LEE. — The retailers may charge them half a dollar for that same tea. (Laughter.)

Mr. RILEY. — Oh, there is no use in attempting to bolster up a falling cause.

Mr. REED. — Just found that out? (Laughter.)

Mr. RILEY. — You look very sick. I think you had better turn your practice over to Brother Proctor.

Mr. REED. — Oh, he is doing very well. Your cause is the one that is falling.

Q. (By Mr. RILEY.) Now, have you always bought that grade of tea from Dudley, Hall, & Co.?

A. No, sir.

Q. From what other concern did you buy it?

A. Carter, Macey, & Co., of New York.

Q. Now, in your judgment, is it honest to charge — just listen to this question. In your judgment is it honest to charge sixteen cents for that grade of tea to one customer, twenty cents to another, and ten and one-half cents to another?

A. Yes, sir, I think it is.

Q. You call that honesty?

A. Yes, sir.

Q. Now, I shall know how to proceed with you, as I get along.

A. The —

Q. No, I don't ask for any reason. You have answered. Now, have you sold a cheaper grade of tea, if such a thing could be found, to the Commissioners?

A. No, sir.

Q. You have sold a higher grade, have you?

A. Yes, sir.

Q. That was for the officers?

A. Yes, sir.

Q. What do you get for the other grade of tea?

A. Twenty-four cents — from 24 to 28 cents.

Q. What is the name of that tea?

A. Formosa.

Q. Yes.

A. Oolong.

Q. And the name of the 10½-cent tea?

A. English Breakfast.

Q. You call that English Breakfast?

A. Yes, sir.

Q. Did it ever strike you that that must be a misnomer?

A. No, sir.

Q. You think that is a correct name for it, do you?

A. Well, it is Counglo tea — English Breakfast.

Q. Public Institutions tea. That is the true name, isn't it? Now, have you stated to anybody that that grade of tea was so poor that they would not buy it for the House of Correction in Cambridge?

A. Not that I remember. I never sold the House of Correction.

Q. Will you swear that you didn't make that statement?

A. Yes, I will.

Q. Have you said that it was a shame to use that tea anywhere, or in any of the institutions?

A. No, sir.

Q. You haven't?

A. No, sir.

Q. Have you attempted to sell the House of Correction at Cambridge?

A. They don't give the inmates tea there.

Q. Have you made the attempt to sell to them?

A. No, sir.

Q. How do you know what they give them, if you haven't been over there to find out?

A. Because I sell them coffee.

Q. Oh, you sell coffee over there, do you?

A. Yes, sir.

Q. Well, they have some regard for the inmates there, evidently. Now, do you sell coffee to our institutions?

A. No, sir.

Q. You don't?

A. No, sir,

Q. Not even for the officers?

Q. No, sir.

Q. In regard to prunes — what do you charge for those?

A. I don't remember — haven't sold them any.

Q. Among other articles you mentioned prunes?

A. No, sir; I didn't mention prunes.

Mr. REED. — He mentioned prunes among the articles they had for sale.

Mr. RILEY. — Oh, I think he said he told them prunes, too.

The WITNESS. — Well, I haven't sold them any this year. There have been so many apples in the market that they haven't got any prunes.

Q. Do you sell to the Cambridge Almshouse?

A. Yes, sir.

Q. What do you get for the tea you sell there?

A. I don't sell them any tea there.

Q. What do you sell?

A. I sell them oatmeal.

Q. What do you get for the oatmeal?

The CHAIRMAN. — It is not necessary for the witness to answer that.

Q. Well, leave out the name — what do you get for it? What do you get?

A. All I can —

The CHAIRMAN. — Mr. Riley, the Chair has already ruled that he need not give the name; and if you give the name to him and ask him a question of that kind it amounts to practically the same thing; and the Chair therefore rules that the witness need not answer the question.

Q. (By Mr. RILEY.) You sell to parties over in Cambridge, don't you?

(No response.)

Q. Don't you?

A. Yes, sir.

Q. You sell oatmeal?

A. Yes, sir.

Q. What do you get for it?

A. All I can.

Q. That is dishonest. What did you get?

Mr. REED. — You need not answer it any more than that, Mr. Witness.

Q. You sold oatmeal to certain parties in Cambridge, didn't you? Now, what is the lowest price you got?

A. I don't remember what price I got.

Q. You don't remember?

A. No.

Q. Why, when did your memory begin to fail? Now, you do remember a certain price over there, don't you?

A. No, sir. I can guess at it. I know about what I got for it, but I cannot tell exactly.

Mr. RILEY. — Well, we will take a guess, as this is a guessing nation.

Mr. REED. — You need not answer that question. It is the same question over and over again. You know what your rights are, and you know that is not a proper question.

Q. (By Mr. RILEY.) Well, answer the question, if you please.

A. No.

Q. Why not?

A. I refuse to answer.

Q. Why do you refuse?

A. The Chairman said I need not.

Mr. RILEY. — He didn't say that. You didn't tell him not to answer, Mr. Chairman did you?

The CHAIRMAN. — The Chair proposes to protect the witness, in so far as it lies in his power, and does not care to bring the private business of the witness before the public any more than is actually necessary; and he has already instructed him that he need not give the name of any parties. Now, it matters little whether you ask the question of the witness in regard to a person's name or whether you name the man and then ask him the price.

Q. (By Mr. RILEY.) I ask you a simple question — state the lowest price you charged any parties in Cambridge for the oat meal.

The WITNESS. — Is it necessary for me to answer that?

Mr. RILEY. — I should say so.

The CHAIRMAN. — That doesn't refer to any institution or any specified party.

The WITNESS. — He spoke of Cambridge and of the House of Correction over there, and then asked me afterwards what I got for oatmeal in Cambridge — practically the same thing.

Ald. LEE. — Did you sell to any grocers over there in Cambridge?

Mr. RILEY. — Oh, my, yes.

The WITNESS. — No, I don't think I did.

Q. (By Mr. RILEY.) You don't think what?

A. That I sold to any grocers in Cambridge.

Mr. RILEY. — I don't know that there is one over there.

Ald. LEE. — Well, I asked him that question, and that was his answer.

Q. (By Mr. RILEY.) Will you state the lowest price you got for oatmeal from a Cambridge customer? Now, do you understand that?

A. I don't sell any grocers in Cambridge.

Mr. RILEY. — I didn't say you sold them in Cambridge. I presume you did it in your place of business.

The WITNESS. — Well, I said I didn't sell to any grocers in business over there.

Q. (By Mr. RILEY.) I didn't ask you about grocers at all. The Alderman asked you that. Will you name the lowest price you got from a Cambridge customer for your oatmeal?

A. No, sir.

Q. Will you, I say?

A. No, sir.

Q. Why not?

A. Am I obliged to answer that, Mr. Chairman?

Mr. RILEY. — Why, you answered that before.

The WITNESS. — Mr. Chairman, I stated that I do not sell to any grocers in Cambridge. I haven't any customers in Cambridge, and so that is practically the same thing as saying that I sold it to this place.

The CHAIRMAN. — The Chair thinks you may be excused on that question.

Mr. RILEY. — Well, why should he be excused? Just think a minute. They put this witness on the stand to show that the quality of goods purchased by the Commissioners here is good, and now we are undertaking to disprove it by the witness himself, by showing that he has not another customer, in the city or out of it, that buys goods at that price or anything like it; and we put such questions for the purpose of leading up to the inevitable conclusion that the goods sold to the Commissioners here are bad, and must of necessity be bad because of the price paid. Haven't we the right to show that?

Mr. REED. — That is not it, Mr. Chairman. They are undertaking to make this witness say that he sells the same goods which he sells to the city of Boston to other parties at a higher price. How that is any evidence of the quality of the goods, I don't understand.

Mr. RILEY. — That is not what I am undertaking to do at all.

Mr. REED. — It is just what you are doing.

Mr. RILEY. — If you had listened, you would have learned.

Mr. REED. — I did listen, and I heard that.

Mr. RILEY. — Some people are top-heavy, but you are not. What we are undertaking to do is this — to show that he does not sell to anybody the same grade of oatmeal, because it is so bad that he cannot get anybody else to buy it.

Mr. REED. — And all you have attempted to prove is that he sold the same stuff to other people, and now you want to know at what price.

Mr. RILEY. — I wonder if you ever reason or think?

Mr. REED. — I am trying to follow you.

Mr. RILEY. — You will get tangled up, if you do.

Mr. REED. — No, I think not.

Mr. RILEY. — Now, I submit that this question is all right.

The CHAIRMAN. — The Chair is here to protect the witness, and also to help the counsel, so far as he may, in getting all the testimony he can out of the witness. In regard to the question which has been put by the counsel, if he had left out all reference to the Cambridge Almshouse, the question might, perhaps, have been admitted; but to allow the witness to answer the question now would be to simply point to the Cambridge Almshouse as being the customer to whom this is sold. The Chair will not in any way be a party to hurting any business man's business here in Boston. If the counsel will make his questions more general the Chair will allow them.

The WITNESS. — One reason why I hesitate —

Mr. RILEY. — Now, I don't care about your reason at all.

Q. (By Mr. RILEY.) You gave us the price you charged the Commissioners. Have you sold it to other parties as low?

A. No, sir.

Q. Why not?

A. The price —

Mr. RILEY. — No, no — answer my question.

Mr. PROCTOR. — Well, pardon me. He is trying to give the reason. You said, "Why not?"

Mr. RILEY. — You are getting excited.

Mr. PROCTOR. — Oh, no. There is no fear of that with me.

The WITNESS. — The price of oatmeal is lower to-day than it has been for six months.

Mr. RILEY. — That doesn't touch my question at all.

THE WITNESS. — If I had a string of customers that I had sold the same article to to-day, I could tell just what I had charged each for it. I have not sold any oatmeal in quantity to anybody else at the price I quoted you as having sold it to the city of Boston.

Q. When you gave us the price which you charged the Commissioners, what time did you fix for the price?

A. For that day.

Q. What day?

A. From the fifteenth until they got out their orders. I have to change my price every time I go up there, if the market fluctuates.

Q. Now, you have fixed the price at other times?

A. Yes, sir.

Q. What was the lowest price at which you have sold it to them?

A. I cannot remember.

Q. Give us the lowest in your memory?

A. I don't know.

Q. Haven't you given us the lowest?

A. I think so, but I would not swear it was the lowest.

Q. Do you sell to other parties for that same price?

A. No, sir.

Q. That suits me. Now, the next article? You would name what?

A. Well, they buy — those are the great staples.

Q. Yes; but name the next?

A. Tobacco.

Q. What do you charge for that — of course, I mean to the Commissioners?

A. Twenty cents.

Q. For how much tobacco?

A. I don't sell them very much tobacco.

Q. Twenty cents for how much?

A. Twenty cents a pound.

Q. Is that the lowest?

A. That is the lowest I have sold it to them.

Q. Have you sold it to anybody else for less?

A. No, sir.

Q. Have you sold it to anybody else as low?

A. Yes, sir.

Q. Other institutions? I don't ask for any names, but other institutions?

THE WITNESS. — Shall I answer that, Mr. Chairman?

THE CHAIRMAN. — I think it is a proper question.

MR. PROCTOR. — Well, why is that any more proper than the question which you ruled out a few moments ago? He has stated, you know, the institutions to which he sells.

THE CHAIRMAN. — The Chair does not recollect that he has.

MR. REED. — Yes, he did, in his direct.

MR. PROCTOR. — Now, if he is called upon to state what he sells it to other institutions at, then it becomes simply a question of computation as to which one it was.

MR. RILEY. — Oh, no, you are all wrong. You might as well sit down and let him answer the question.

MR. PROCTOR. — Your judgment is bad, as usual.

MR. RILEY. — Well, it lands me all right.

MR. PROCTOR. — Well, you don't know where it will land you yet.

MR. RILEY. — It may land me up in New Hampshire, but I hope not.

MR. PROCTOR. — You may get committed the next time, instead of paying a fine. (Laughter.)

MR. RILEY. — Well, I don't know — a fine would frighten you.

MR. PROCTOR. — Not at all.

MR. RILEY. — Then I am not sure you could pay it.

Mr. PROCTOR:—Maybe I couldn't.

Mr. RILEY.—I don't think you could, unless you passed around the hat.

Mr. PROCTOR.—You may get into a place where you won't have any chance to pay a fine.

Mr. RILEY.—Oh, you gabble like a child. Now keep still. Will you answer, Mr. Witness?

The WITNESS.—The question again, please? Was it in regard to tobacco?

Mr. RILEY.—You haven't been paying attention, have you?

The WITNESS.—Well, there has been considerable discussion, and I have forgotten just what it is.

(By direction of the chairman, the stenographer read the following:)

“Q. Have you sold it to anybody else as low?

“A. Yes, sir.

“Q. Other institutions? I don't ask for any names, but other institutions?”

Mr. PROCTOR.—I object to that question.

Mr. RILEY.—Oh, you have been objecting all along. Now, answer it, Mr. Witness.

Mr. PROCTOR.—Just a moment.

Mr. RILEY.—The Chair has ruled that the witness may answer it.

Mr. PROCTOR.—May I be heard a moment?

Mr. RILEY.—No; he has given his ruling.

The CHAIRMAN.—The Chair is always pleased to hear Mr. Proctor.

Mr. PROCTOR.—Thank you. It seems to me that it comes to just the same thing as if Brother Riley asked the witness concerning the Cambridge Almshouse. Why not? He has named, in answer to another question, three or four institutions which he says his concern sell. Now, how can it fail to come to exactly the same thing as that concerning which the Chairman ruled the question out a few moments ago? That is all, sir.

The CHAIRMAN.—The Chair thinks that this is quite a different question from the other, inasmuch as the counsel, Mr. Riley, had in that case mentioned one specific institution; while in this case it may cover a number of institutions, and does not specify any particular institution.

Q. (By Mr. RILEY.) Now, will you answer, Mr. Witness?

A. No, sir, I haven't.

Q. Now, the next article you wish to specify—but before passing to that, what is the price of a good quality of tobacco per pound?

A. Well, you can buy a good quality of tobacco for twenty cents.

Q. I thought that was the lowest price?

A. No, sir.

Q. Isn't it as cheap as you sell? As low as you sell?

A. Very nearly.

Q. What is the lowest in your store?

A. We have got one grade we sell for eighteen cents.

Q. What is the price of your best tobacco?

A. Forty-six cents, I think.

Q. And there are intervening prices, are there not?

A. Yes, sir.

Q. So that when you get to twenty cents you get the bottom price, about?

A. Yes, about bottom price.

Q. What is the next article?

A. Well, spices—cream of tartar, soda, and some washing powders; a few.

Q. What do you charge for those?

A. Cream of tartar, twenty-one cents.

Q. A pound?

A. Yes, sir.

Q. Is that your lowest price?

A. Yes, sir.

Q. Do you sell to anybody else as low as that?

A. Yes, sir.

Q. Other institutions?

A. I don't remember whether I have or not. There is only one grade of cream of tartar — pure.

Q. Now, you have said that there was a conversation between you and Dr. Newell — perhaps more than one. Am I right?

A. Oh, yes, there has been more than one conversation.

Q. What?

A. What do you mean by "conversation"?

Q. Well, what Mr. Reed asked you about.

A. That was the only time he spoke of the matter I testified to.

Q. Was Commissioner Devlin present at that time?

A. Yes, sir.

Q. So that there were three parties present — yourself and the two Commissioners?

A. Yes, sir.

Q. And Mr. Devlin was in a place where he heard, where he could overhear all that was said?

A. Yes, sir.

Q. And he took part in it, did he?

A. No, sir, I don't think he took any part.

Q. Did he say anything?

A. I don't remember of it.

Q. Where did the conversation take place?

A. In the store of S. S. Sleeper & Co.

Q. The two Commissioners called on you?

A. Yes, sir.

Q. You evidently were in the office?

A. In the salesroom; yes, sir.

Q. Now, that thing is vividly in your mind? You remember all about it?

A. Yes, sir.

Q. Will you begin at the beginning and tell us just what Dr. Newell said and what you said. Put it in your own way.

Q. Well, as I remember it, Dr. Newell said: "I think the city of Boston ought to buy a better grade of goods than they do." I said that I should be very glad to have them — that as it was the prices were so low that there was no profit in it, and that I would like to see them giving better prices. He said he thought they ought to do so, and he asked me if I didn't think that the city of Boston was buying poor goods for the city Boston. I told him I didn't think they were buying goods of poor quality — that they were low grade goods, but they were all good goods — and I thought it would be better to buy a better grade of goods; but that everything I sold them was pure. Then, he asked me if I didn't think Dr. Jenks was too close in buying goods, and I said I thought he was. "But," I said, "it is optional with me whether I sell him at the prices I make or not. If I don't want the business, need not have it." He asked me if I would not go to the Mayor and tell him that I thought the city of Boston ought to have better goods — that the doctor was buying a poor class of goods. I said I couldn't do that because he had notified me before the superintendents that he bought pure goods, and if they got in anything that was not of good quality they should return it to me. He notified me in their presence, and so I didn't care to do it.

Q. You have given us the whole of it?

A. Well, I don't remember anything else. Perhaps if you know anything else you can remind me of it.

Q. You say Commissioner Devlin didn't say a word?

A. I don't remember anything.

Q. Did he overhear all that was said?

A. Yes, sir.

Q. Now, you and the doctor seemed to agree in regard to two things: first, that the grade of goods supplied the city was a low grade of goods—am I right?

A. Yes, sir.

Q. You made that suggestion, or, rather, he did, and you immediately assented to it and said that that was so, didn't you?

A. I think so.

Q. And then he said that the city should supply the institutions with a better grade of goods, didn't he?

A. Yes, sir.

Q. And you said it should?

A. I said I would like to have them.

Q. Yes; you said that should be done. It may be that Commissioner Devlin has as much memory in this matter as you have. You said it should be done, didn't you?

A. I said I would like to have them do it.

Q. You thought it would be a proper thing to do?

A. Yes, sir.

Q. In other words, it was in your mind at that time and in the mind of Dr. Newell that the quality of the goods, the grade of goods supplied, should be improved?

A. Yes, sir.

Q. And then he suggested that you had better tell the Mayor so?

A. Yes, sir.

Q. And you said you couldn't tell that, and wouldn't do it?

A. I said I wouldn't do it.

Q. You weren't afraid of losing the city's trade?

A. No, sir. As it happened—

Q. No, don't go into explanations. Your answer "No" covers everything. You weren't afraid of losing the city's trade, were you?

A. Well, no, sir, I wasn't; no, sir.

Q. You weren't?

A. No, sir.

A. Do you mean to say to this committee under oath that Dr. Newell sought to have you go to the Mayor and lie to him? Is that what you mean?

A. Well, I don't know as that is lying to him. No, I don't think so.

Q. Well, if you had gone to the Mayor and said what the doctor suggested, you would have told the Mayor the truth, wouldn't you?

A. No, sir.

Q. Would you have lied to him?

A. If I had said that the city was buying impure goods—

Q. Well, that word has been used the first time by you just now. Nobody spoke of impurity before, did they?

A. I don't know.

Q. You said that you and the doctor agreed that the grade of goods was low and should be improved? I am right, am I not?

(No response.)

Q. I am right, am I not?

A. Well, it is a question what you mean by "low"—by the grade being low.

Q. Well, I take your own term. You told the doctor that it was a low grade of goods that you were supplying?

A. No, If I said that I was mistaken. I didn't mean to say that.

Q. What did you say?

A. I said that I would like to have them buy a better grade of goods.

Q. No; but before you came to that, you said a low grade of goods.

A. Then if I did that, I got mixed up on the thing, because a great many of the goods that they buy of us are the best quality that they produce.

Q. What?

A. A great many of the goods that they buy of us are the best quality that is produced.

Q. Was the tea the best that is produced?

A. No, not the best tea, but it was good goods — pure.

Q. Wasn't it the cheapest tea in the market?

A. Yes.

Q. In other words, you and the doctor agreed that the quality of the goods should be improved, should be higher. Isn't that so?

A. I thought if the city could afford to buy a higher grade of goods I should much prefer to have it.

Q. You and the doctor agreed that it would be much better to have the city buy a higher grade of goods? I am speaking now of that conversation.

A. Yes.

Q. And then, how would you have lied to the Mayor if you had told him that?

A. Well, he told —

Q. No, answer that question. How would that have been a lie?

Mr. PROCTOR. — That question calls for an explanation.

Mr. RILEY — Oh, don't mind my handsome friend over there. How would that have been a lie?

The WITNESS — Can I make an explanation, Mr. Chairman? Can I answer that?

Mr. RILEY. — No — would that have been a lie?

The WITNESS. — If I had gone to the Mayor and told him that the chairman of the Board of Commissioners was buying impure goods, I would have lied to him.

Q. (By Mr. RILEY.) If you had gone to the Mayor and told him that the city of Boston should have purchased a better grade of goods, would you have lied to him?

A. Can I ask you to repeat that?

Q. If you had gone to the Mayor and said to him, "Mr. Mayor, the city of Boston is purchasing a low, or a cheap, grade of goods" — take the word "cheap" it you like — "the cheapest grade of goods, and it should, in my opinion, purchase a better grade of goods," — that would have been a lie, now, would it?

A. Yes, it would.

Q. Why? How?

A. Because there are a great many things that you would think by that — if I went to the Mayor with that story — that they were buying nothing but a low quality of goods. The price doesn't always govern the quality of goods.

Q. Do you think that the Mayor knew you were selling tea at ten and one-half cents a pound?

A. I don't know, I am sure.

Q. You didn't want the Mayor to find that out?

A. I didn't care. He could have found it out easily enough.

Q. By and by it came to the ears of General Donohoe that you and the doctor had indulged in this conversation, and you were sent for, were you?

A. No, sir.

Q. Did you go to the Commissioners' office yourself?

A. No, sir. Dr. Jenks came down to see me.

Q. At your store?

A. Yes, sir.

Q. And in consequence of that interview, you went to the Mayor?

A. I did.

Q. What did you say to the Mayor?

A. I told him that Dr. Jenks had told me that he wanted to see me, and he wanted to know just what my conversation was with Dr. Newell; and I stated it to him.

Q. What did the Mayor say to you?

A. He thanked me and said that if he wanted to see me again he would send for me.

Q. In other words, you told the Mayor, in substance, that Dr. Newell had told you that Dr. Jenks was to be removed? Is that so?

A. I don't remember whether I said that or not.

Q. What did you say to the Mayor?

A. I don't remember the conversation. If I had known I was ever going to be called up in this way, I probably would have taken notes.

Q. But you have had several interviews with the counsel on the other side, of course. They seemed to know all about your story before they put you on the stand. What did you say to the Mayor?

A. I have stated it.

Q. No, you haven't stated what you said to the Mayor.

A. That Dr. Newell had been in to see me. He wanted to know what the conversation was, and I told him that Dr. Newell had been in to see me and asked me if I didn't think that they ought to have a better grade, a higher grade of goods for the institution; and I told him that while I thought they bought goods very low, the quality of the goods was pure, and that I couldn't come to him and state anything of the kind—that the chairman of the Board was buying impure goods—that I couldn't do it. He wanted to know what the conversation was, and I told him that Dr. Newell told me that probably there would be a change in the Board of Commissioners, and that if that was so they would buy a better grade of goods.

Q. And that, in substance, is all that you said to the Mayor?

A. That is practically all.

Q. Did you tell the Mayor the price the city was paying for molasses?

A. I don't think I did; no, sir.

Q. Did you tell him the price the city was paying for tea?

A. No, sir.

Q. Why did you want to conceal the price from him?

A. He had every occasion to see just what price they were paying. Any one could see in the Auditor's office.

Q. I know, but mayors do not always do that thing.

A. Well, besides, it was a Saturday morning and I was in a hurry to get away; and he didn't ask me about that, and I got out as soon as I could.

Q. Don't you think if you had told the Mayor about the molasses and the tea he would have told you at once, and with indignation, that such stuff was unfit for human consumption?

A. No, sir, I don't.

Q. You don't think he would have found any fault?

A. I don't think he would—certainly not until he found the kind of goods they were having.

Q. Well, it was ten and a half cents a pound?

A. I don't think the price governs the quality.

Q. No, perhaps not always; but it does of Counglo tea, doesn't it?

A. No, sir.

Q. Now, did you also tell the Mayor that Commissioner Devlin was there present?

A. I don't remember whether I did or not.

Q. You didn't?

A. I don't remember whether I did or not.

Q. There was a time there when you ceased to sell to the Commissioners, wasn't there?

A. Yes, sir.

Q. And that time covered, perhaps, a year or a year and a half, didn't it?

A. Yes, sir — I think longer than that.

Q. How long?

A. Well, I sold —

Q. How long a time did it cover?

A. I don't know.

Q. About how long?

A. I don't know.

Q. Well, it covered a year and a half?

A. I don't remember — perhaps two years.

Q. When did you cease to sell to the Commissioners?

A. I have not ceased to sell to the Commissioners.

Q. There was a gap of time when you didn't sell?

A. Well, I don't know when it was.

Q. What did you mean when you made answer to my question: "Yes, sir — I think longer than that."

A. Well, I formerly sold to the Board of Directors of Public Institutions; but since I commenced to sell to the Commissioners of Public Institutions I think I have sold them right along.

Q. That is, there has been no break?

A. I do not think so; no, sir — not as I remember it.

Q. You say that you were asked to write a letter to the Mayor?

A. Yes, sir.

Q. And that you refused?

A. Yes, sir.

Q. Now, at that time you were not selling to the Commissioners, were you?

A. Yes, sir.

Q. How long a [time elapsed between your refusing to write the letter and your actually going to see the Mayor?

A. About two hours.

Q. It was done the same day?

A. Yes, sir.

Q. You then carried the news to the Mayor that Dr. Newell had told you that the chairman of the Commissioners was to go out of office pretty soon?

A. I don't know whether I did or not. I just repeated the conversation.

Q. Well, you would be apt to know if anybody would. Do you say that you didn't?

A. No, sir, I don't, because I don't know.

Q. Well, don't you know this, that you went to the Mayor in order to prejudice him against Dr. Newell?

A. No, sir; I did nothing of the kind. He had all this information before I went to him.

Q. What did you think he wanted you there for?

A. To verify it, I suppose — but I don't know why it was.

Q. Well, you didn't go to help Dr. Newell, did you?

A. No, sir; I thought —

Q. And you didn't go to the Mayor to hurt the chairman of the Commission?

A. No, sir; but I thought it was doing the Commission an injustice if I went to him with a story of that kind and told him that.

Q. If you told him what?

A. If I went to the Mayor and told him what Dr. Newell suggested to me; and that they were buying a poor class of goods, and that I should report it to the Mayor. I would not do it, and I didn't do it.

Q. You thought you would be doing the Commission an injustice if you did that?

A. If I said a thing I didn't believe.

Q. If you had stated that to the Mayor?

A. Yes, sir.

Q. How could there be any injustice in doing that? He simply said that a better class of goods should be secured. Now, how could that be an injustice to tell that the Mayor?

A. Well, I don't know that it would be to tell him that.

Q. Well, where did the injustice come in?

A. Dr. Newell wanted me to go and tell the Mayor that Dr. Jenks was buying a poor class of goods, so as to give him the impression that they were not getting fit goods for the institution.

Q. Did you say at that conversation that they were getting fit and proper goods?

A. I did.

Q. Now, you say that at that interview Commissioner Devlin was present?

A. Yes, sir.

Q. And he heard what you said?

A. Yes, sir.

Q. Now, your mission to the Mayor was voluntary or involuntary. Which way will you have it?

A. It was involuntary in this way —

Q. Well, why should you be coerced?

A. Let me give you the conversation.

Q. No; you have answered my question. You said it was involuntary. Now, the next question is this: What was there hanging over you that should coerce you?

A. Just a moment. Dr. Jenks came down and said, "Has Dr. Newell been in to see you? — I said, "Yes, he has been in several times." — "Well," he said, "that is not what I wanted to know. Did he come in and try to get you to go to the Mayor and say that I was buying impure goods?" — "Well," I said, "he did." — "Well, why didn't you go up and tell him so?" — "Well," said I, "because I didn't think it was an honest thing to do." While I felt that the doctor was buying goods at a very low price, yet he hadn't bought any goods of me that were impure. "Then," he said, "if that is true, you ought, as an honest man, to write the Mayor to that effect, if Dr. Newell has been to you and said that." I said I didn't want to get into the thing at all; that I hadn't supposed it would get to Dr. Jenks when I said it —

Q. When you reached the Mayor's office, what you told him was this, that the Commissioners had been buying the right kind of goods for the institutions, and that you were there to bear testimony to that?

A. I stated to the Mayor —

Q. In substance you stated so, you told the Mayor that?

A. Yes, sir.

Q. That the goods you sold were all right?

A. Yes, sir.

Q. And that there was no need of improvement in that respect?

A. In the quality of the goods?

Q. Yes, sir.

A. Yes, sir.

Q. And] o need of better goods?

A. No; no need of better goods — they are all pure.

Q. You told him there was no need of better goods?

A. I think so.

Q. Do you say that you didn't sell prunes to the institutions?

A. I said I hadn't sold any this fall. I think I have sold them prunes.

Q. What was the price?

A. I don't remember what the price was.

Q. You have some idea?

A. I don't know. I think somewhere in the vicinity of five and one-half or six cents a pound. I am just guessing at it.

Q. Per pound?

A. Yes, sir.

Q. Was that the lowest price for prunes?

A. Yes, sir.

Q. And do you sell them as low as that to anybody?

A. Yes, sir.

Q. To other institutions?

A. Yes, sir.

Q. And to other individuals?

A. Yes, sir.

Q. And you say the quality of those prunes was good?

A. Yes, sir.

Q. What is the price for good prunes — real good prunes?

A. Do you mean an extra prune?

Q. Well, such a prune as you would want to eat.

A. Well, I would eat these prunes at five and one-half cents a pound. They are French prunes.

Q. Well, I suppose if you were up in the Arctic regions, you might be glad to get them, but what is the price of the best prunes?

A. A fancy prune, the highest grade prune we have, is fourteen cents.

Q. There are some higher than that?

A. We don't carry them. Some of the fancy retailers do; we don't carry them.

Q. Those prunes were for the officers' tables?

A. I don't know what they were for.

Q. Was that the only grade you sold?

A. I don't remember that.

Q. Don't you remember whether you sold two grades or not?

A. I haven't sold them any for a year, and I can't remember.

Q. That is, you sold them in small quantities, I presume?

A. In whatever quantities they wanted them.

Q. You don't know whether they were large or small?

A. They come fifty to fifty-five pounds in a case — I don't remember.

Mr. RILEY. — That is all.

Q. (By the CHAIRMAN.) Mr. Flanders, there is one question I would like to ask you. Did Dr. Newell make any offer to you or say that he would make it an object for you to go to the Mayor?

A. No, sir; he said that there probably would be a change in the Board of Commissioners for Public Institutions. He didn't make any offer to me to go, or anything of that kind.

Q. He made no offer to you in any way?

A. No, sir.

Q. (By Mr. RILEY.) That suggests this question: Did you think that such a change would be beneficial to you or your concern?

A. I don't know, I am sure.

Q. Well, he didn't leave that impression upon you, did he?

A. I don't know as he left any particular impression in that line.

Q. (By Mr. REED.) If you sold higher priced goods, there would be more profit in the sale for you, would there?

A. Yes, sir.

Q. And that was the only inducement held out to you by Dr. Newell, that they would buy higher priced goods if Dr. Jenks was not there?

A. Yes, sir.

Q. You sell in large quantities to the city, do you not?

A. Yes, sir.

Q. And when do you get your pay?

A. Every thirty days.

Q. Then it is practically cash?

A. Yes, sir. That is one reason why the price is quoted so low, because they buy in such large quantities. We can turn them over and sell them at a smaller profit than we could to a smaller concern or to a grocery house where they buy a few goods: and the risk is greater. We will trust the city of Boston for all the goods they want.

Q. And you have to wait for your money longer with other customers?

A. Sometimes.

Mr. RILEY. — You have to wait forever, sometimes?

Q. Well, then, that is an element in the price?

A. Yes, sir. Carrying the assortment of goods that we do, it is impossible for us to have fixed prices for them. They fluctuate every day, and if we find that the market is going off on certain goods, it is policy for us to take and sell them, if we can turn them over in large quantities before there is a reduction in the price.

Q. Now, this three-cent rice is a broken rice?

A. Yes, it looks very much like sago. It cooks as well and eats as well as any rice that is grown; but it doesn't look quite so well. Of course, if you could afford to buy the best, you probably would do it, but this rice is perfectly clean.

Q. Well, the higher price rice is whole rice?

A. That is all the difference; one is broken and the other whole.

Q. You don't know of any restaurant in town where they buy tea at wholesale, do you?

Mr. RILEY. — What do you think of Marston's?

Mr. REED. — I don't know anything about it. I am asking him.

The WITNESS. — No, sir, I don't.

Q. You sell these goods to retailers, don't you?

A. Yes, sir.

Q. That is part of your business?

A. Yes, sir.

Q. Do you know what the retail price of this English Breakfast tea is?

A. It retails from forty to fifty cents.

Mr. RILEY. — That is, the Coughlo tea.

Q. You say there is only one grade of cream of tartar?

A. Well, of a pure cream of tartar.

• Mr. REED. — That is all.

Q. (By Mr. RILEY.) About the rice — you spoke about broken rice. What causes the breakage?

• A. I don't know. (Laughter.)

Q. Why, it is the sweepings, isn't it?

A. Oh, no, it isn't the sweepings.

Q. A lot of dirt is mixed up with it?

A. Oh, no — not the slightest. It is just as clean as any.

Q. There is some reason why you sell it cheaper.

A. Well, this other rice is sifted out, and it is finer rice. We cannot sell the grocers the same as we can to the institutions.

Q. Do the Chinamen buy that rice?

A. We don't sell any Chinamen any rice.

Q. You couldn't sell it to them, could you?

A. We don't sell them any.

Q. (By the Chairman.) Do you import tea direct?

A. No, sir.

Q. Do you know what the tariff is on tea?

Ald. LEE. — Under which bill?

The CHAIRMAN. — At the present time.

The WITNESS. — I think there is no tariff on tea, if I remember rightly. They won't allow only a certain grade of tea to be imported. They won't allow any impure tea to come into this country. It is all inspected. They won't allow it to come in.

Q. (By Ald. Lee.) Where is it inspected. Do you know?

A. In New York.

Q. By United States inspectors?

A. I don't know.

Q. (By the CHAIRMAN.) Do you know where this tea is grown?

A. Well, I am sorry to say I don't know just the location.

The CHAIRMAN. — That is all.

THOMAS D. ROBERTS. — *Sworn.*

Q. (By Mr. REED.) Your full name?

A. Thomas D. Roberts.

Q. And you are superintendent of the Boston Industrial Home, are you not?

A. Yes, sir.

Q. What sort of an institution is that, Mr. Roberts?

A. It is an industrial institution on a benevolent basis. The object of the institution is to provide a home for the homeless and friendless, and employment for the unemployed.

Q. (By Mr. RILEY.) That is on Deer Island?

A. That is on the corner of Davis street and Harrison avenue.

Q. I thought you meant on Deer Island.

A. No; but we take them from Deer Island. That is what I am here to talk about.

Q. (By Mr. REED.) You say you take them from Deer Island? How many men do you have at your institution from Deer Island or the House of Correction?

A. What do you mean — by the month?

Q. Well, any space of time?

A. About fifty a month.

Q. From the two institutions?

A. From the different institutions — that is, taking the State Prison, and taking them through the public institutions.

Q. How do they come to you?

A. They come directly from the island, sometimes; sometimes I meet them down at the boat; at other times they are sent from Mr. McCarthy; and they come of their own accord.

Q. Well, I suppose, Mr. Roberts, that you are more or less familiar with the institutions of Boston?

A. Yes, sir.

Q. And you have visited other institutions throughout the country?

A. All over the continent, I might say.

Q. I tried to get you to come here and testify the other night, but I was informed that you were in Albany.

A. Sir?

Q. I say, I tried to get you here to testify the other night, but I was told that you were in Albany.

A. I was in Albany. I came back to the election. I was there four weeks.

Q. Were you there on the business of your institution?

A. Yes, sir; I was organizing a similar institution, on the same plan as ours, by invitation of the authorities there and the churches.

Q. Well, how long have you been in this business, Mr. Roberts?

A. Well, I might say I have been interested twenty-two years in the work; but I have only been officially connected with this institution seven years next May, I think it is.

Q. Well, you have visited Long Island, have you not?

A. Yes, sir.

Q. And did you ever go down there when Mr. McCaffrey was deputy?

A. Yes, sir.

Q. And you knew Mr. McCaffrey?

A. I want to say here that he and I are friends. I give whatever information I have here to-night without any prejudice.

Q. I understood you were friends.

A. Yes; and I want that understood.

Q. You went down there in July, 1883, looking after some man who was under charge of some crime?

A. July 26, I believe it was — one John Buckley, who had committed embezzlement.

Q. What did you go down for?

A. I went down to identify him.

Q. You went down with an officer?

A. No, Mr. McCaffrey was an officer; and I brought him up, being an officer myself.

Q. What was this man doing down there?

A. He was working on the Government works.

Q. And was the money which he embezzled, or whatever it was, recovered, do you remember?

A. Yes, sir.

Q. And through the effort of yourself and Mr. McCaffrey?

A. Well, he plead guilty in court, and I recommended mercy. He promised to pay when he received his salary, and Mr. McCaffrey kindly suggested that he would get it and send it to me; and on those conditions the Court released him.

Q. Well, did Mr. McCaffrey show you about the pauper institutions at that time?

A. He did.

Q. Where did he take you?

A. Took me all over them -- about the different institutions and grounds, generally.

Q. Did he introduce you to the superintendent?

A. Yes, sir.

Q. What did he say in general about the institution?

A. Well, he spoke in the highest possible manner complimentary to the institution and its usage and the advantages that it offered to the inmates —

Q. And what about the superintendent?

A. I think I asked him if that was the Dr. Cogswell that held the position of Port Physician, I think I said — I don't exactly remember the term I used — and he said, "Yes; and he is a good fellow." I asked him if he resided there, and he said, Yes. There was another gentleman with Dr. Cogswell. I was also introduced to him; and they afterwards drove off in the van there.

Q. Then did he take you about the operating-room?

A. Yes, sir. He took me through the different places — in fact, every place. He was very courteous and very kind.

Q. Did he show you the place where the medicines were kept?

A. Yes, sir.

Q. Did he show you the food?

A. Yes, sir. One of my cooks was down there cooking at the time — had formerly been in my institution; or one of the helpers, I should say.

Q. What remarks did he make about the food, if any?

A. He asked me what I thought of it, and I said that, comparing the institution there as I saw it with other institutions that I have seen in San Francisco and other States — Georgia, the District of Columbia, Jersey, and such places — I thought it compared very favorably. I said that, of course, I might say there was one thing, and that was the hospital. I thought they ought to have blinds on it. He said, "Yes, we are going to have blinds on it." He said, "They are looking that thing up now." Those are the words he said, if I remember rightly.

Q. And did he call your attention to the cleanliness of the institution?

A. Yes, sir. He took me around and asked me what I thought of it, and I said, well, that it compared favorably, and was in some respects very much better than those in San Francisco, for instance, and in Atlanta, and other places. I thought it was ahead of most places. In fact, I don't know from my personal knowledge of any institution that would be better than it with the exception of two. One of them I visited two years ago in Matteawan on the Hudson — the new State institution — and the other one was the one at Cranston. I was invited to visit those, and I think they are better; but it compared with others very favorably.

Q. At this time he had nothing but words of praise for the whole institution and for the superintendent?

A. Yes, sir.

Q. Is that true?

A. That is true.

Q. And do you remember of any particular way in which he characterized the place?

A. Well, I asked him how the inmates were and what work they did, and he said that practically they didn't do very much. He took me to a carpenter shop, and if I remember rightly there was one man working there. I asked him how many carpenters they managed to employ and he said he managed to do the tinkering around there. Then we went into Loafers' Hall, and I identified a number of men. One man he called by one name, and I called him by another. He evidently had more than one name; but I knew the man. One man wanted me to taste some of the food; and I think I drank some of the coffee or tea, whichever it was. It was getting towards supper-time.

Q. Did you see the men working in the hay-field?

A. Yes, sir. He said they employed men on the farm, or out in the field there. There were also some men over from the island. I went back on the boat with them that night.

Q. (By Mr. BRANDEIS.) You mean from Deer Island?

A. They were over from Deer Island; yes, sir.

Q. (By Mr. REED.) Well, in showing you through the hospital, and in speaking to you of the good care which the patients received, did he make this remark to you — that the place was a heaven on earth for some of those poor people?

A. Yes, something to that effect. I think it was that very term. I was speaking about one Celia Kelley at the time, who was sick down there. I happened to see her in the ward, and I asked her how she was getting along. She was formerly in our institution. She said she was getting along very nicely; that she was very comfortable, etc.

Q. Was it on the occasion of that visit that he called your attention to the fact that a colored boy had died there?

A. There was a little colored boy being taken away on the same boat that I came up on.

Q. And he called your attention to him as having grown very thin?

A. Yes, sir.

Q. And he told you how carefully he was placed in the coffin?

A. He said there was cotton put in. He said he had grown so poor that there was nothing but bones, but that they did the best they could to send him to his friends.

Q. And you say you have very many men at your present institution who come from Deer Island and the House of Correction. Now, have you any means of knowing what those men think of the treatment they have received in those places?

A. Well, if I should judge from the way they want to get down there, they like it better than they do up here in the city, — very many of them. I have interviewed a number of them, especially since this investigation has been going on; and while they consider it is their own fault to be there, they have been treated as humanely and kindly as was possible under such circumstances.

Mr. REED. — I think that is all.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Roberts, what is the exact nature of your institution? Davis' Home, is it?

A. Well, it is the Boston Industrial Home. It is on Davis street, and it goes by that name sometimes.

Q. Is it a private charity?

A. It is a private charity; yes, sir; and yet you might not call it a charity in the strictest sense of the word, because every man is made self-supporting. We teach men the law of self-respect, making him feel that he is entitled to what he earns and is not to be considered a beneficiary.

Q. Well, how many people do you have there?

A. On an average, about 125 inmates in the different departments. We have more than that sometimes.

Q. You have been connected with that how long?

A. Eight years, I think it is, the first of next May.

Q. Well, you say you make them self-supporting. How do you do that?

A. By throwing around them such helpful influences, in the first place, as will have a moral tendency to uplift them; by affording them such entertainment in the Home as we can and think proper — it is Christian in its principle — and by affording lectures and meeting and devotional exercises. You must understand it is unsectarian, inter-denominational. No man is debarred because of creed or color. Then we try as far as possible to give employment to the skilled. We also make a discrimination between the skilled and the unskilled, and we also give the unskilled employment.

Q. Now, you say that you throw these moral influences about them. Will you tell the committee a little more in detail just what you do?

A. Well, you mean on the moral side, moral standpoint?

Q. I mean from the moral and intellectual standpoint, as distinguished from the working, which I will take up later.

A. In the first place, the fact that ninety-nine out of one hundred persons who apply there are unfortunate —

Q. You mean by "unfortunate" what?

A. I mean intemperate; and once in a while we have a man who is not intemperate, from a hospital, or something of that kind. Of course, that man is exempt from labor. In the first place, when a man sits down in the dining-hall, there is a blessing asked on the meal.

Q. A blessing?

A. Yes, sir; teaching that man that there is a Giver of all good things — if you want to know the principle.

Q. Yes, I wish you would go into details as much as possible.

A. That hall which he is invited down into is the equal of any dining hall in this city. There is another thing. We try to elevate every man by teaching him cleanliness. Before he comes in there, we expect every man to wash in the wash-room. Then, of course, there is a meeting at noon, at which these men gather to seek help — divine help, to supplement their own will-power, to keep them the remainder of the day as they have been kept the forepart of the day; then three times a week we have meetings in the chapel, which will hold 150. I just left one of those meetings. Dr. Gordon was there, with others. Last Sunday the Harvard students were there. We had an orchestra of different pieces, and the young ladies from the Conservatory, and in fact, from all the different churches, are invited to come. Once in a while I give a temperance talk myself, as I do to the different institutions when I am invited; that is, the House of Correction, the State Prison, etc.

Q. Well, how are these people employed when they are not at work? I mean, how are they occupied when they are not at work?

A. There is a large reading-room, with all the periodicals, magazines, and newspapers; and then we have games, such as dominoes, checkers, etc., in the reading-room; and then our purpose is to give a man work for what he has had in the way of meals and living. They are supposed to work for their clothes, if they have any given to them. Then they are supposed to go out in the afternoon and seek labor. They are given a card, and they are supposed to present that card as coming from us, and the persons to whom he has applied for employment will put their signatures on it, showing that he has made an effort to get employment.

Q. Now, in the Home, how are they employed?

A. Manual labor, you mean?

Q. Yes. You say you distinguish between the skilled and the unskilled.

A. Well, we have an employment bureau. If a man is wanted to do carpenter work, plumbing, painting, white-washing, or anything of that kind, we send those men. The moneys are paid into our institution, and if that man has a family, his family receives the benefit of his labor. He signs a contract to that effect. Then, if he goes out and works and earns — well, they usually get from fifteen to twenty-five or thirty cents an hour, according to the class of work they perform; and if he is an intemperate man, his contract reads that the money shall be spent according to the best judgment of the superintendent, who has a receipt for all money. I bank that money. As you may happen to remember, one fellow got away with \$700 a few weeks ago, and I was out that much, with the exception of what was made up by some kind-hearted citizens. That money which is received is put to his account. Out of that money he is clothed until he is sufficiently strong to take care of himself; and then he is put into a position, and his money is put to his credit, if he has a sufficient amount, on the condition that he draws it as I, as trustee, may permit.

Q. Do you have only men?

A. We have men and women, both. We have one building for women and women with children.

Q. Are they in the same building?

A. No. We have four buildings, you might say — two on Harrison avenue and two on Davis street.

Q. How complete is the separation?

A. It is entire, — that is to say, just as this room might be separated from that (pointing) by a door. The door is locked on both sides. The only place where they could meet would be the dining-room, and the men eat first, and then the women afterwards; and then we have another dining-room above.

Q. The class of people you have is very much the same class that goes down to Long Island?

A. Oh, yes, in many respects.

Q. Quite a number of your inmates have been on Long Island at one time and another?

A. Oh, yes, they come and go.

Q. Now, do you have any trouble in making your people work?

A. Yes, some.

Q. Do you keep anybody there who doesn't work?

A. Not except those who are unable to work — sick and infirm.

Q. Well, do you feel that work is essential to the salvation of these people?

A. I think that idle hands are the Devil's work tools, very often.

Q. Do you think it is possible to bring these people up to be self-respecting people and decent members of the community without work?

A. No, sir, I don't — not while they are willing that some one else should work for them.

Q. Now, in regard to the conduct of Long Island. In the running of that pauper institution of the city, would you deem compulsory labor to be absolutely essential?

A. For those who were able to perform it, I should.

Q. I mean for the able-bodied, as distinguished from those who are not.

A. I have been instrumental in organizing ten institutions all over this country for that very purpose. I believe in that.

Q. Now, you have been sufficiently interested, I presume, in the condition of Long Island, to have read the report of the special committee that was appointed by the Mayor, and that made its report June 30, 1892?

A. I have only heard abstracts from that. I have been so busy and out of town so much that I am not really well informed on that thing; but I have been very much interested in coming in here to the hearings when I could, as you may have noticed, to get all the information I could. I have not much time to read.

Q. Previous to the commencement of this investigation you never considered that subject in reference to Long Island?

A. Oh, yes, I have always considered it in reference to penal and pauper institutions.

Q. You have?

A. Yes, sir. I have written a little book on it.

Q. Have you got that book here?

A. No, sir. I don't carry it with me.

Mr. BRANDEIS. — I wish you had.

Mr. RILEY. — Has the second edition of it been called for?

The WITNESS. — It will be ready when the first edition runs out.

Mr. BRANDEIS. — Well, I think Mr. Roberts' views are so sound in what he has said that it ought to have been called for long ago.

The WITNESS. — I would be glad to send you a copy of it, if you would like it, and also copies of the reports of the Home; and you will there see my sentiments.

Mr. BRANDEIS. — I should be glad to receive them.

Q. (By Mr. BRANDEIS.) In the report of the special committee appointed by the Mayor, which made its report in June, 1892, in that part of the report relating to Long Island they recommended that the able-bodied be made to work. That you would wholly second, would you?

A. Yes, sir.

Q. And you think that is true without qualification?

A. Well, I should modify that in this way, that they should earn a just compensation for the labor they performed.

Q. That is, if they earned more than their living cost, they ought to have that, so that they might see some future for themselves?

A. That is the principle upon which we work, and every man is engaged in our Home. We have thirty regular employees paid from one dollar upwards — I might say that was about the lowest for any man — up to fifteen dollars a week.

Q. That is, what you do is to help the man to support himself?

A. Yes, sir.

Q. You teach him to be self-supporting?

A. Yes, sir.

Q. And if he doesn't earn anything more than his bread and butter costs he gets nothing; but if he does, that is his profit?

A. Yes, sir; he gets the equivalent.

Q. Now, when these people come to you, what kind of an investigation do you make in regard to them?

A. Well, in the first place we have a set of rules framed.

Q. Yes.

A. To which they are supposed to submit.

Q. Now, you say you have a set of rules framed?

A. Yes -- posted all around.

Q. And you feel it to be of value to have those rules in a prominent place?

A. I think so.

Q. So that every one may see them?

A. I think so.

Q. And that they may be seen by each one as he comes in?

A. Yes, sir.

Q. And you find that a considerable number of them are able to read them, don't you?

A. Yes; and those who are not able to read them generally get somebody else to read for them. The first rule would be something like this: Every man wishing to receive the benefits of this Home must manifest a desire on his own part to improve his own moral and physical condition. That would be the first one, for instance.

Q. Now, you were going to say what they are subjected to when they come there — what tests they were given. I forget the exact language that you used, but you were going to tell me how you treated the men when they came into the Home.

A. Well, it all depends upon the purpose for which he comes. A man is sometimes sent there on an order by some kindly disposed person, as a man who has been better off. Perhaps he has known this man in the past, and he send him on an order, and says, "Charge to my account." Now, that man is exempt from labor.

Q. That is a man who is sent as a boarder by some benevolent person?

A. Yes, sir.

Q. His expenses are paid by somebody else?

A. Yes; but he has to submit to the regulations of the Home. In the first place, for instance, every man must take a bath. His clothes are all steamed and fumigated, and he is furnished with a clean night-shirt, and he is sent to bed, as every man is.

Q. Does he wear his own shirt at night, or does he have a separate one?

A. He has a night shirt. He is furnished with an institutional shirt.

Q. That is, he makes a change — has one on in day time, and another at night?

A. Yes, sir.

Q. I suppose that case of a man being sent there as a boarder is rather the exceptional case? Take a man who comes there on his own account. What process do you go through with him?

A. If he comes on his own account, I ask him, of course — in fact we have a register in which is written his age, name, nativity, occupation, whether married or unmarried, religion, etc.

Q. How much of an investigation do you make into his antecedents?

A. Well, we find out whether he is married or unmarried, and we want to know where he is from, how long he has been in the city, and what his purpose is in applying to the Home.

Q. And do you find out whether or not he has been in the institutions?

A. Yes, sir.

Q. And you find out what his occupation has been?

A. Yes, sir.

Q. And you find out where he has been before he turned up there?

A. Yes, as well as we possibly can. Of course, I have assistants there who look after a great many of these things. I am not always there and don't always do these things myself.

Q. Certainly not; but I am talking about the Home.

A. Yes, they always make these inquiries before they are admitted.

Q. Do they make any inquiry, such as of the Associated Charities?

A. We are in touch with all the associations, and all the churches, Catholic and Protestant, in the city; and we furnish information to each other by telephone and by slip — confidential, of course, sometimes.

Q. And you make inquiries from them?

A. We do.

Q. So that you find out in the fullest possible way all the information you can concerning each man?

A. Well, for instance, if a man comes to the Home, and wants to be sent out of the city or out of the State — we have a fund for that purpose — before we do anything for him, I want to find out whether or not he is telling me the truth. In order to do that, sometime I telegraph, sometimes I telephone, sometimes I write, sometimes I refer to those to whom he refers me; and if I find that his statements are true I help him. If I have any doubt as to whether he is telling me a straight story or or not, I say to him, "I will give you employment to the value of that ticket;" and if he is an honest fellow very often he will work it out. If not, he will get out some other way.

Q. Then before admitting him you make the fullest possible inquiry in regard to him, not only for questioning him individually, but from communicating with all the different societies and organizations in the city that could possibly give you any light upon that subject?

A. Well, when it is practicable. I don't mean to say that we always go through this and go into every individual case in this way before we do anything for a man. I don't keep a man waiting out-doors until we find out all these things if the man is starving. I admit him, and then find out afterwards.

Q. But you do, either before or afterwards?

A. I find out all about him; yes, sir — and I know that he goes out from there a better man than he comes in, if he has a purpose to that effect.

Q. And then you keep a record of those facts that you ascertain?

A. Yes, sir, on the register. That is, I would not have a complete record of all these things in regard to every man; but I generally know my man pretty well.

Q. You keep the record upon the slips that don't appear upon the register itself?

A. Yes, sir.

Q. Now, why do you do this?

A. We do it for the protection of society, largely, and then for the good of the individual.

Q. And why is that so? How does it protect society, and how does it aid the individual?

A. Well, in the first place, we try, if possible, to tell whether the man is telling the truth or not. Now, for instance, we have tickets which are given away throughout all the city—I am giving my business here, like my friend who preceded me. There is a secret in every business, I presume. Every man who receives a ticket to come there is not supposed to know the true intent of that ticket. We do it in order to avoid indiscriminate giving. That man is sent to us, and we make inquiries to find out whether he has been in some other institution, and whether he has been trying to work other places—whether he is a “rounder,” in other words.

Q. Now, in regard to the protection of the man?

A. Well, we find out whether what he tells us is true or not, in order to show the man that he cannot give us any bluff, and that there is no use in trying to deceive, anyway. We try to inculcate in him the principle of manliness; try to make him to be straightforward; and show him that if he isn't we will find it out.

Q. Now, after this has been gone through, then what is done for the man?

A. He is admitted to the benefits of the Home, as far as possible.

Q. And how do you determine what the man shall do or what shall be done with the man?

A. According to what he is able to do, and what we have for him to do.

Q. What investigation do you make into the man's ability?

A. I ask him if he has any trade or profession. If he is a carpenter, and we have any work on a house, for instance, I will put him to work at that. If I find that he is a plumber, I will give him work at that; and if I find he is a printer, I will put him in the printing establishment. We have a room of that kind there. If he had any other profession and I can use him anywhere, I do it. If he cannot do anything else, he “saws wood and says nothing.”

Q. (By Ald. LEE.) If he is a lawyer, what do you do with him?

A. Send him down here to get points on the Board of Aldermen.

Q. (By Mr. BRANDEIS.) Now, Mr. Roberts, you make a very detailed personal inquiry in regard to the man, his habits, his capacity, and all that, do you not?

A. We do; and we do it personally in this way—through the officers of the Home. There used to be a committee of women down there to make those inquiries. I have a good deal of respect for women and for Boards in that way; but I don't think that any of these second and third parties can do the thing like the first party.

Q. You do it yourself?

A. Yes, sir; and they have confidence in the officers of the Home. I always feel that if an officer of the Home needs looking after, probably some of these committees would need looking after too. I feel that that is the way to do it, to find out for yourself, personally. They will tell you the truth, generally. I don't find that there is any great deceit with these people, although, of course, there is sometimes. For instance, just before I came up here to-night one man rolled in to the Home. He was full up to the chin, and he said he hadn't been drinking at all. Now, I think that man tried to deceive me, but when they are all right they will tell you the truth as a general thing, when they know that you are trying to help them.

The CHAIRMAN. — The Committee will now adjourn until Thursday at 4 o'clock.

The WITNESS. — I don't know whether I can be here at that time. If I am in the city I will try to be.

Mr. BRANDEIS. — If you cannot be here then, possibly you could be here later in the day.

The WITNESS. — I will try to, if possible.

Mr. BRANDEIS. — We would also be glad to have you bring your literature with you if possible.

(Adjourned at 10.31 P.M. to meet on Thursday, December 20, at 4 o'clock P.M.)

FIFTY-THIRD HEARING.

THURSDAY, December 20, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALLSTRAM presiding.

THOMAS D. ROBERTS. — *Continued.*

Q. (By Mr. BRANDEIS.) Mr. Roberts, at the close of the last hearing you were describing the methods adopted in your institution for bringing the unfortunate persons who came there to a condition of self-respect, and you were explaining the precise system which was pursued by you in accepting these persons in your institution and setting them to work. At the time, I think, you had discussed the matter of the investigation into their character and history and acquirements, both from them and from others, and you were going on to tell me what happened after that, at the time that we closed — after they had passed that preliminary investigation. As you said, they were presented with the rules, and they were washed, etc.

A. Yes, when a man is admitted into the institution, of course, as I said the other evening, we find out whatever the man is able to do.

Q. Yes.

A. And we give such employment as he has been accustomed to. We have a good deal of outside work in the way of repairing, if he is a carpenter. We have had two or three men, perhaps, to-day, doing repair-work, in the way of carpenter-work, and so on.

Q. You mean doing work outside the institution?

A. Yes, sir; we do work outside, and, as I said, all funds are received by the superintendent and the benefits are paid to those who are dependent on the man who has worked. For instance, I have just had a case, have just disposed of a case in coming here. It was a case where the woman's furniture was on the sidewalk and she had no place to go. I gave orders to have the men come down — it is on Rochester street — and take the goods over into empty rooms that she can get for a dollar and a quarter a week, and I pay that one dollar and a quarter in advance, and the husband is to come to-morrow morning and work that out as a day's work. I wouldn't allow the woman to receive it as a gift if she has a husband who is able to work for it.

Q. Well, now, how varied is the work which you procure for these people?

A. Well, we have secured positions for book-keepers, we have gotten young men into colleges to study, and we have all around in different occupations in Boston men who represent our work.

Q. Well, I mean not getting men work, as you say, outside of your institution, but while they are there, how varied is the work which you have the inmates do ?

A. Well, there is one man printing to-day, for instance, in the printing department. He had work assigned him to do—some printing; and the main industry, I might say, which we make a labor test, is the wood business and coal. We have, I think, eight or nine teams altogether.

Q. Well, now, that is work which is done in the institution itself ?

A. Yes, sir.

Q. You do the sawing of wood and work like that in the institution itself. What other work is done in the institution besides ?

A. Well, the institution on the corner of Davis street and Harrison avenue doesn't have any particular work except that we have carpentering done there and we have had plumbing. We have men to do such jobs. We have a workshop just for that special work. But we do make brooms. I have started institutions where they manufacture brooms and brushes.

Q. Yes.

A. And we are inaugurating a work now where they make paper boxes.

Q. Yes.

A. Such things that it doesn't take very long to learn or doesn't require skilled labor to perform.

Q. What else is there—any other kinds of work ?

A. Well, we are buying, or, at least, thinking about buying, one of those farms in New Hampshire that there is so much talk about—one or two of them—and starting a soap factory there, gathering up the grease here in the city and putting the men on the farm and manufacturing the grease into soap and then selling it here in the city, and we are also thinking of having a carpet factory here. That is work we are trying to solve at the present time.

Q. Now, you have stated that you attempt, so far as possible, to make these men self-supporting, and that you have about 125 inmates on an average. What portion of those 125 are at work earning something ?

A. Well, perhaps about two-thirds of them.

Q. Are earning something ?

A. Yes, more than that. I should judge that probably four-fifths of them are earning something.

Q. That is, 100 out of the 125 would be earning something ?

A. I should judge so ; yes, sir. There might be 25 who came to us, boarders. They don't work—they are sent to us and those who send them are responsible for their maintenance while there.

Q. And don't they earn anything ?

A. Well, we take those men and relieve those who have sent them to us. But during the first day the order calls for, of course, we are not responsible and they are not responsible to us, but we in every instance try to relieve the sender of that burden of the man who is sent to us. The order is merely an introduction to us, and

we understand that we give that man labor, and so they change in that way.

Q. Now, taking the other 100, how many of the other 100 succeed in supporting themselves entirely?

A. Well, all of them. Every man is self-supporting and every woman is self-supporting. There are about 25 women, you know, in the woman's department, washing, scrubbing, and cleaning. Others go into window-cleaning. We have a window brigade, and a great many sell articles on the street. We find that they are making an honest effort to make a living, and we charge them just 15 cents for their accommodations, a nominal sum, so that they shall not be considered public beneficiaries in any way, that they may pay something for that which they receive.

Q. And you give them all the accommodations?

A. Yes, sir; and free use of the reading-room, for twelve and a half cents.

Q. They are charged, then, against their earnings this regular sum?

A. Yes, sir; that is charged against their earnings.

Q. Now, are the expenses of the institution borne mostly, four-fifths of the expenses paid out of the earnings of these people?

A. I don't understand that question exactly.

Q. You speak of the institution, and that 100 out of 125 are practically self-supporting. Are the expenses of the institution to the extent of four-fifths paid by the work of these people?

A. Yes, sir; our average expenses are between \$4,000 and \$5,000 a month, as you will see by that report I gave you — \$46,000 last last year.

Q. For the year.

A. Yes, sir — a little over.

Q. And out of that \$46,000 how much is paid by the labor of these inmates?

A. Well, they support themselves and the balance goes to their support.

Q. Well, you mean the balance they are entitled to?

A. Yes, sir.

Q. You hold it in trust, practically, for them.

A. Yes, sir.

Q. But there is some part of the expense of your Home which is paid by private benevolence, isn't there?

A. We have a legacy or two in the way of an endowment, but it isn't very large. I think we have got \$12,000 now. I am going to put up a building for boys on the corner of Dover street and Harrison avenue. We were looking at that piece of property, and that is what I am trying to raise now — money to put up a \$35,000 building there for boys, so as to give these boys a home.

Q. Then are the buildings owned entirely by the Home?

A. Yes, sir.

Q. Owned absolutely?

A. Yes, these buildings are, all together.

Q. So that the expense of the institution so far as it represents rent of those buildings, is paid by the funds which have been donated from time to time?

A. Yes, sir.

Q. But the ordinary running expenses of the institution are paid by the labor of the inmates?

A. We manage to pay the expenses out of whatever is earned from the income.

Q. From the individuals?

A. As the revenue from the labor performed by the individuals?

Q. Yes. And now in regard to this remaining twenty-five. Out of 125 you say four-fifths support themselves, but the remaining one-fifth — how do you bear the expense incurred in connection with them? Who pays their expenses?

A. Well, there are benevolently inclined people in Boston who would do that. For instance, Mrs. Lincoln might be interested in a man or woman and send down to us a note, saying that if we had labor for he or she to perform, it would be appreciated. We should recognize Mrs. Lincoln's note, and then she perhaps would call around the next morning to see what we could do for the person. We might say we were fully equipped at that time, had all we could manage to do, but would take the man or woman in on that order and the next day set the man or woman, as the case might be, to work.

Q. You mean that during the intermediate period practically all the expense, until such a person gets into the regular work of the institution, would be paid by the person sending him or her there?

A. Yes, sir.

Q. Practically the board is paid until they get started at work?

A. Yes, sir.

Q. But with the exception of that your institution pays its way?

A. It is self-supporting.

Q. Everybody who comes there in some way or other contributes to his own expense?

A. Yes, sir; we make labor the basis of work in all cases.

Q. Now, of the people who come to you do you find that any appreciable number are unable to earn enough to support themselves?

A. Oh, yes. We have a number who come from the hospitals. Of course we have a great many whom we carry forward without any outside help whatever. We carry men and women through for an indefinite period.

Q. Yes. Well, what percentage of the whole number would they form?

A. A very small percentage.

Q. A very small percentage?

A. A very small percentage. They don't come to us. They recognize that for which we are organized, and a man who comes to us has got some manhood in him and wants to work for what he gets.

Q. Now, I suppose there is a difference in the amount of work which the different people do, according to their bodily condition, also, isn't there? I mean that some do a whole day's work and some only a part?

A. Oh, yes, some men who are unable to chop wood are put to cleaning windows, scrubbing in the dormitories, in the kitchen, in the boiler-room — something of the kind — cleaning up and fixing up in some way when they are unable to do laborious work.

Q. Have you any persons who are invalids, who are sick, in the hospital or infirmary?

A. Well, we have a regular physician for the Home and a little pharmacy there. We have an out-door clinic for the out-side poor at a certain hour in the day, between three and four; but we don't keep patients there in any way and we send them to the hospital when we think there are any contagious diseases or anything of the kind. We don't allow any persons to remain there who are invalids.

Q. Now, when you went down to the Long Island Home did you find that they had introduced there this test of work which you have described to the committee?

A. Well, Mr. McCaffrey said they were given all the work that it was possible for them to do. He showed me, with some degree of appreciation, as far as he possibly could, the advantages for that on the farm. He showed me where the men worked on the farm, as I told you the other night, showed me some of the men at work in the carpenter shop —

Q. These men on the farm from Deer Island, weren't they?

A. Some Long Island men also I understood.

Q. Out of the whole number how many Long Island men, if you know, did you see at work?

A. Well, they were gathering up hay at that time and I couldn't say. I should judge somewhere about 75 to 100 men altogether.

Q. From Deer Island and Long Island?

A. Yes, sir; they were mixed up. I saw the Deer Island men march back to the boat in the evening.

Q. Seventy-five to 100 in all, including the Deer Island men?

A. I should judge so; yes. There were a number of men working downstairs where they had the line chopped off on the walks.

Q. Did you find anything there similar to your brush factory idea or these different methods of indoor occupation you have described as having at your Home?

A. No, sir; I think we talked something about that, and don't know but what the subject of the labor unions was brought up. I have been asked that — I wouldn't swear whether it was down there — whether they had been after me or not, and I told them "Yes, in some instances I have had some inquiry from that source."

Q. Well, now, you saw what they call the Loafers' Hall down there?

A. Yes, sir.

Q. Were there people in there?

A. Yes, sir.

Q. How many?

A. Well, there were not many, if I remember rightly. There were about, perhaps, a dozen to twenty.

Q. This was in the summer that you were down there?

A. The last time was the 26th of July; yes, sir.

Q. The men were sitting around outside, were they?

A. Some of them were walking around; yes, sir. Some were smoking. There were one or two there that I knew.

Q. What do you do in your own institution about smoking?

A. Don't allow it.

Q. You don't allow it there?

A. No, sir.

Q. Why not?

A. Well, the first reason is we believe that it doesn't aid very materially the atmosphere.

Q. Yes.

A. And another thing, we try as far as possible to break the men of the habit. — we think it a useless habit, — and in that way wean them away from it.

Q. That is, you try to break a man from his bad habits?

A. Yes, sir; try to teach him to put his money to a better purpose.

Q. Now, in this book, this report, the 16th Annual Report of the Boston Industrial Home, which you kindly handed me, I see what purports to be a picture of the dining-room?

A. Yes, sir.

Q. Which has all the look of an attractive room, with tablecloths on the tables, and you have the waiters in the customary white jackets and white aprons?

A. Yes, sir.

Q. Pictures on the walls. It has the same friendly and cheerful look which a dining-room would have in a small and well-kept hotel or perhaps club. Is that a correct picture of that dining-room?

A. That is a photograph of the room itself. In regard to those tables, that shows our system in that respect. We believe in separating these men. The new-comers are put at a table by themselves, and we separate them in that way.

Q. Then there is a large number of small tables?

A. Yes, sir.

Q. With seats for four or five at the table, just as you would find them at the club?

A. Yes, sir.

Q. That is the actual condition of the dining-room?

A. Yes, sir. Come down to-morrow and you will see it.

Q. This represents it as it always is?

A. Yes, sir. We didn't expect to have the picture taken, didn't know that the man was going to take it. It was taken by flashlight.

Q. Don't you consider that giving the poor and unfortunate people who come to your institution the apparent luxury of a dining-room like that, like a club, is extravagant?

A. Extravagant?

Q. I say, don't you consider it extravagant?

A. No, not when they earn it, — when they earn the advantages themselves.

Q. Well, you have some definite purpose, haven't you, in making the dining-room attractive?

A. Yes, sir; we believe in elevating the men. For instance, a man came in there who had not been in there for some time — this was not always as it is now — and he woke up in the morning and looked around and began to take in his surroundings. He had not seen such environments before, and he said to a friend, "When I woke up this morning I thought I was in a palace," and he commenced brushing himself up, blacking his boots, etc. I felt then that the surroundings of the room had brought an idea to that man that made the man self-respecting, that showed him that he wasn't in keeping with his surroundings. That, I think, is the main thing we have in view — to bring the man up to our level instead of our going down to his.

Q. Then you would not consider it good management in the conduct of your institution to simply give to the man the sort of thing he was accustomed to, the surroundings of a dirty hovel or such a table as he might have at home, which rarely saw a table-cloth? You would not consider it your proper policy and duty in running the Home to treat him to the same thing?

A. Well, our idea is, of course, education; trying to educate the men to more self-respect on their own part. I feel sometimes that it is pretty rough to put one of those men that comes to us in there in that place before we try to get him in a condition so that he is presentable to go in there in the first place. For instance, no man is allowed to go into that room until he is thoroughly clean.

Q. And what does this consist of, taking a bath? What does it consist of beyond that?

A. Taking a bath and then seeing that his clothes are put in as good shape as possible, such as he has.

Q. Do you have any difficulty in getting the men to clean their shoes and not carry dirt and mud into the dining-room?

A. We have a good deal of difficulty in trying to straighten out those fellows who have never been accustomed to anything but what they have known in the way they have been brought up.

Q. But do you find that you succeed in bringing them into conformity with the methods of the institution, the rules of the institution?

A. Oh, yes. They know that the rules of the institution are imperative, and that they have got to obey them, and they submit. I never have had any trouble. The men have all got to take a bath once a week anyway, those that are there regularly, longer than that period.

Q. Well, you don't have any difficulty, then, in bringing these men in submission with the rules which you in your experience and wisdom have established at the institution? They conform to them, do they?

A. In general we have no very great difficulty. Once in a

while we have got to say to a man, "I guess you had better go down to the lavatory and clean up," and take a waiter to one side and say, "My friend, you mustn't admit a man when he is not presentable." When I am there once in a while I see to it myself that a man goes down to the lavatory and cleans up, and leaves the meal on the table until he comes back, and look out for him the next time, if he is there more than one day.

Q. Do you find that the other inmates, the older inmates, themselves, have an interest in seeing that the new-comers should conform to the rules?

A. Yes, sir; we tell them that they are a part of the institution and ought to take an interest in everything that appertains to the good government of the Home, and they do generally take such an interest—not as informers, but they do speak to these men.

Q. Use their influence with the other men as they come in?

A. Yes, sir—use their influence.

Q. Now, when a man comes in, when he appears there the first day, just what treatment would he receive with respect to that? Say, when he comes in to his meals—you put him off at a separate table the first day, a new-comer?

A. Yes, have the tables graded in that way, and everybody knows exactly where to go. The old hands are put together as they come up, and then we have those who have been there three or four days, and these men sit back, and so on. We promote them up to the head man.

Q. That is, you recognize their social predilections, do you?

A. Yes, sir; we do in a measure.

Q. Then the new men are put alone until they are, in a way, initiated into the habits of the institution, are they?

A. Yes, sir; they usually take a certain table, and in that way they are together.

Q. Yes. Now, I see another picture here in your book which represents a parlor?

A. A what?

Q. A parlor—called "A parlor"?

A. Oh, the parlor, yes.

Q. Is that a fair representation of the parlor?

A. That is a parlor, one of the parlors. There is one that the women have for themselves—call it a reading-room, if you choose—where they have papers, an organ, and such things, that they can amuse themselves with, and that is one directly under it. Then the men are also provided for. Then there is a piano, an organ, and we have an orchestra that plays there, and the men have a quartet. My daughter plays twice or three times a week, and we have a regular lecture and entertainment course. My son plays the violin and I play the cornet once in awhile, so we give them music.

Q. That is with a view to giving them some entertainment?

A. Yes, sir.

Q. Some social entertainment?

A. Yes, sir.

Q. Now, for instance, in the matter of this parlor which you

have there — it seems to be furnished as a parlor would be in an ordinary house or club — I mean a fairly well-to-do dwelling-house or club?

A. Yes, sir.

Q. I see that you have a carpet on the floor, rugs, nice chairs, and pictures on the walls. That is the general appearance, is it, of your parlor?

A. There is a carpet on all the floors, except of the reading-room and the lavatories. The lavatories, where they wash twice a day, have cement floors, and in the dormitories we have a strip of carpet down by the side of the cots. These cots are of iron, with little white spreads on them, the same as they have at Deer Island and at Long Island. I don't see any great difference in them.

Q. Well, are these parlors and the reading-room open to all the inmates of your institution?

A. That particular parlor there is open. The committees meet there.

Q. Who?

A. Committees usually meet there. Alderman Barry has been there, and he knows about that parlor, and the other one above it is similar, the same thing, only it is entirely for the women. We felt that they would like to be alone in that way. But that one you see there is one that we keep for conferences, etc. They have access to it, though.

Q. Then you have a reading-room, which also appears to have the ordinary comforts, willow chairs, and the like?

A. Yes, sir.

Q. That is a correct representation, is it?

A. Yes, sir. That is a very nice room.

Q. And you conceive that those comforts you are giving them there, perhaps luxuries, are not extravagant?

A. I think if a man works and feels tired that he wants a rest — and you see some of them playing games there.

Q. Yes, they are.

A. I might say that when the man came in there to take those pictures I didn't expect him, and he caught us just as we usually are. I am glad he did. If you should come to-morrow you would catch us the same way, and you are welcome to come.

Q. It was a chance shot?

A. Yes, sir; not made up in anyway. You could see the same thing there now. Things might be moved about a little, might have a different arrangement of the chairs, but it would be just as you see them there.

Q. Well, now, what room have you in your place to correspond with the Loafers' Hall that they have down at Long Island?

A. We haven't any Loafers' Hall. We have that reading-room which takes its place. When the men are not working they congregate there.

Q. In the reading-room?

A. Yes, sir, and we have a large chapel, as you see, where the men gather for entertainment.

Q. Gather for entertainment in the chapel?

A. Yes, sir; and for their evening prayers in the chapel, and there is another spare room, what we call the special reading-room for men — we have two reading-rooms, one for men who have been there sometime, and the other room is for the transients and those who come just for the day. We separate them in that way.

Q. You say you separate those who have been there some time from the transients. On what ground do you do that?

A. Well, I believe we do that as an inducement.

Q. An inducement to what?

A. To a bettering of their condition, you know, and increasing their self-respect, making the man feel this way, that "It is more congenial for me to be in there," and we give them to understand that if they in time improve in their physical condition and moral condition that they are privileged to this other room, not that we consider that they are to be treated any better, really, but we do that to increase their self-respect and better their condition. We think it is better for our men who are living a better life than they been accustomed to be kept from any contamination or influence that might have a tendency to break them down, and we make that as an inducement for them to go up higher.

Q. Then you undertake with the inmates of your institution some system of classification, do you?

A. Yes, sir. We have one building with classified men.

Q. You do classify them?

A. Yes, sir.

Q. (By the CHAIRMAN.) Will you state in a little more detail what that classification is?

A. Well, we handle the subject in this way. In the case of a man who has intellectual attainments and whose appearance indicates that he is a man out of the ordinary walk of a tramp, you might say, a man who is shoddy and shabby, we say, "Here, this man is not what we should call a man who is used to seeing hard times," and we give him what we consider the better house.

Q. Yes.

A. The beds are precisely the same, all spring beds and everything, but we feel that the society into which he will be thrown in that building is more congenial to the man as a man, as we view him from that standpoint only.

Q. Well, do you make your classification any farther than that?

A. No, they have the same food?

Q. All have the same food.

A. All the same food.

Q. But you endeavor to get, as it were, a classification in that way of the men who are together, who live together in different buildings, or parts of buildings, do you?

A. Yes, sir.

Q. And how long do men remain with you?

A. That all depends. I would rather help one man one hundred days than help one hundred men for one day — that is, if I couldn't help them effectually.

Q. And why would you prefer that?

A. Why, simply because I think one man saved to a better life and put on his feet and made self-supporting is better than a man you merely touch to-night who is driven along for somebody else to touch to-morrow, who is no good to himself or anybody else.

Q. That is, men who stay there for a greater length of time do go away improved, and I suppose it takes time to do that?

A. Well, take those men you see in the picture there. That is a fair sample of those men. They are all men that have been there.

Q. Now, Mr. Roberts, you say they improve physically as well as morally. What physical improvement do you have reference to?

A. Well, a good deal. To use their own phrase they say that the rum blossoms have disappeared in many instances that is to say, their countenances becomes clearer and they show a steady hand, and men who have been broken up by reason of intemperate habits become physically strong and able to write their names intelligibly, and their appearance is more prepossessing in every way.

Q. Well, do you find that in his dress and his outward appearance, aside from his face?

A. Yes, sir. You wouldn't know some of these men after they have been there twenty-four hours, after they have had a clean collar put on them, a clean shirt and tie and another suit of clothes. I will give you an instance. I took a man to a Washington-street store, took him in and introduced him to a certain friend, and he said to me, "Don't you ever bring a man like that here again — it will drive all my customers out of the store." I took him down town, had his hair fixed up, he was given a shave and a suit of clothes, and I then took him back to the friend I had introduced him to and he didn't know the man. He said, "A man like that I am glad to meet — he is very different from the one you had here a short while ago." And yet it was the very same man, and there was not two hours between the times of seeing that man.

Q. Now, taking the men who stay there, does the Home work a change in them, in their general appearance, their clothes and their manner of treating themselves?

A. Yes, sir.

Q. Other than the change you make by dressing them, shaving them, and so on?

A. I didn't get that question.

Q. You spoke of a change which you yourself undertook, I believe?

A. Yes, sir; the man was dressed differently.

Q. And got a shave and haircut. But I mean the men themselves — do you find that they conduct themselves differently after they have been there a while?

A. Yes, sir; and I might say here that I have seen men come from Déer Island in just that way who came down with nothing

decent on them and have come home with a new suit of clothes, and there has been a great change in their appearance. I would say the same of the House of Correction, also. Of course, they are the city clothes.

Q. Now, Mr. Roberts, you say you notice a great change also morally?

A. Yes, sir.

Q. Now, what is that change that you have referred to?

A. It is not unusual to find men who have got a suit of clothes who will go out on the street and go to church. I heard a man say last week that he had never been inside a church door for twenty-five years until it was made possible for him to do so by reason of having a good suit of clothes to go in, and men who say they have not been in a place of worship for fifteen years will go regularly. We are not sectarian and do not ask a man to go to any church, but we do ask him to go to some church. The Catholics usually go to early church, to relieve the others. We expect all the men to attend one church or another, and they have a disposition to do it.

Q. Then in what other respect have you noticed a moral improvement?

A. A good many of them have given up the use of strong drink entirely and tobacco, and they have conducted religious meetings among themselves and their profanity has vanished. They don't use profanity — I have noticed that. In fact, they have become Christian men as far as we are able to judge from their conduct. I have seen men by the hundred where the change has been very manifest.

Q. You find that these men and women are interested in the intellectual entertainments, the lectures and musical entertainments?

A. Yes, sir. We have some of the best lecturers there and students from the Conservatory of Music, and they all enjoy it.

Q. Do you find your inmates interested in what is going on in those matters?

A. Oh, very much so. They give entertainments themselves. They have a quartet there, for instance.

Q. Do you encourage them in that?

A. I do. I buy all the music they want and furnish them every means to accomplish that end.

Q. Well, now, you have, I suppose, the same people come back to you more or less, don't you, after they get out?

A. Once in a while. Oh, it is quite frequent for men to come back to us. Some men, I might say, want to make their home with us for an indefinite time, because they feel that the influences there are helpful, and they come there and we give them board for a nominal sum of three dollars a week. Some men have no means of support while they are working their first week, and we carry them through the first week, and then they pay as they earn their money.

Q. But with all that liberality which you say you exercise towards all these people, giving them the best surroundings of a

well-kept home, you find that you are able to pay all the running expenses from the earnings of the men themselves?

A. With the exception of whatever kindly disposed people may send in there. Merchants will sometimes send in something. For Christmas we will probably get two or three hundred dollars' worth of playthings and toys for children. We will have a Christmas tree there Monday night. Those are special contributions. We don't claim that those are paid for, although the men themselves will receive from the Home certain donations—useful articles, etc. Those will come out of the current expenses.

Q. How do you treat the men with regard, for instance, to their washings, about their towels and things of that sort?

A. We have a regular steam laundry, you know.

Q. Connected with the institution?

A. Yes, sir. We have paid laundresses, too. The women that are there scrub and clean, but we manage to pay for everything, all labor performed, and of course we have a certain day for washing for one department, and then we have a strict watch kept on anything that might be in any way out of order, and those are all set apart, of course. We have different tubs there for washing.

Q. Has every man there his own towel?

A. No, but the towels are changed. We have one man whose duty it is to look after the lavatory, the same as at the Crawford House. It is his duty to see that there are clean rollers. If there are persons having eczema, or any manifestations of eczema, whatever, we see that such persons have separate towels—that such a person has a separate towel for himself.

Q. Well, that precaution is followed in the case of any person whom you have any doubt about?

A. Yes, sir. The doctor examines them, of course.

Q. Those things are watched properly?

A. Yes, sir.

Q. The physician is paid to attend to all such matters?

A. Yes, sir, and we give free medicine to the poor.

Q. (By the CHAIRMAN.) I would like to ask a question, Mr. Roberts, which you may consider somewhat of a private nature, and if you do not care to answer the question I shall not take it amiss. What salary do you pay the physician?

A. The superintendent?

Q. The physician?

A. Well, I suppose his salary—they made an appropriation of fifty dollars the first year. It will amount probably to \$125 this year. There is an appropriation. That is, he at first didn't wish to receive a salary, but they felt that his expenses ought to be paid, and this year his expenses will amount to from \$125 to \$150.

Q. He is paid, then, according to the amount of work he does?

A. He has an appropriation of a certain amount for expenses, \$50 a year—that is, for that hour that he gives to the out-door clinic, the people who come in.

Q. (By Mr. BRANDEIS.) He really gives his service gratuitously?

A. Yes, sir; really.

Q. That is, his time, and this amount appropriated is to cover his expenses?

A. Yes, sir; when I said he received pay I meant that his expenses are paid as far as that goes.

Q. (By Ald. BARRY.) Isn't it a fact, Mr. Roberts, speaking of that physician, that it is because he happens to be located near your home and in a poor neighborhood, the neighborhood where those poor people are, that he has given his services to the institution?

A. Yes, sir. He doesn't wish to receive a salary. He is a man who does not wish to make his living out of the money that is earned there. The entire salary list, I had just as soon tell you, is about \$1,500 a year for the officers of the Home, so that the officers don't get the benefits from the proceeds, the revenue of the work.

Q. (By Mr. BRANDEIS.) You have not had an opportunity, I presume, of reading the report of the Board of Visitors upon Long Island?

A. No, sir; I have been very busy — I haven't had time.

Q. The Board made certain recommendations in regard to the manner of conducting the institution. I would like to have your opinion upon them as I read them to you and see whether you deem them to be sound or not. The first recommendation was: "That a record be kept stating as far as possible the facts known in regard to the character and history of each inmate." That, I understand, is in accordance with your principles?

A. I think that is practical; yes, sir.

Q. And it is desirable in the management of the institutions?

A. Yes, sir — gives a reference. It is a good thing for reference that a record should be kept.

Q. And do you put any limitation upon that recommendation of the committee?

A. Well, I do, because it is pretty hard to register John Jones to-night, and have the same man give you the name of Jim Smith to-morrow night. You must merely draw the line there.

Q. It is a difficult thing to be sure of accuracy?

A. Yes, sir.

Q. But you, as a matter of fact, are able, through your communications with the various institutions, to get pretty accurate reports on the men, aren't you, usually?

A. Yes.

Q. And you do undertake to inquire in regard to their character and history and otherwise?

A. We do.

Q. All about the men, don't you?

A. Yes, sir; I try to keep track of their different names, as far as possible, anyway.

Q. Well, the matter of giving different names, is that a usual thing or an uncommon thing?

A. Well, they give a name as it may suit the occasion, usually.

Q. Well, I mean of your 125 inmates how many have given false names?

A. Oh, I couldn't tell you — couldn't answer that question.

Q. Of those there to-day how many do you think?

A. Oh, might be a dozen, probably, under aliases, there.

Q. Then ninety per cent. of them would be honest in giving their names?

A. Well, they perhaps know it is of no use to give other names. I know them, because I am not only connected with this institution but with similar institutions — for instance, in the large cities of the country, away out in San Francisco, Omaha, Salt Lake City, Chicago, New Haven, Jersey.

Q. That is, you are in communication with a number of these other places?

A. Yes, sir.

Q. And do you think that communication necessary for the conduct of your business?

A. Yes, sir.

Q. (By Ald. LEE.) Do you have photographs of any of the inmates coming there?

A. Yes, sir.

Q. Photographs of all?

A. Yes, sir. Some to show his condition before and after, sometimes.

Q. I didn't know but what it was as a matter of identification, sometimes — you have referred to San Francisco and Salt Lake City, for instance?

A. No; we have no right, if they know it, to ask them to do that, but we have done it in order to show the condition of the man as we took him, and then the condition of the man after we had gotten through with him — before and after, as we call it.

Q. The second recommendation was, "That the institution be organized into three departments: workhouse, infirmary, and hospital. In these departments the inmates should be classified as their bodily conditions require." Does that seem to you sound?

A. I think that is right.

Q. Third, "That in the workhouse department the discipline be strict and work enforced. The food, though ample and good of its kind, should be very plain, and few indulgences should be allowed. Tobacco, if given at all, should be given only as a privilege?"

A. What do you mean by "indulgences?"

Q. I suppose that is in regard to food — I don't know. It says, "The food, though ample and good of its kind, should be very plain, and few indulgences should be allowed."

A. Yes; I think in general that ought to be a thing to be expected.

Q. Then, fourth, "In the infirmary department many comforts not proper in the workhouse department should be provided. The

effort should be not merely to keep the inmates from starvation, but to make their years of helplessness as endurable as may be, within the limits of a reasonable expense."

A. Yes, sir.

Q. That seems to you sound?

A. Yes, sir.

Q. Then the 5th was, "That passes be abolished except in rare instances to some decent old person or cripple wanting to visit a friend." That relates to the issuances of passes from Long Island to go to Boston, and the superintendent said that the paupers abused the privilege by going on a debauch, then coming back.

A. Yes, sir; I think there ought to be restrictions there myself, for I know the evil that is liable to result when they come up, if they have a little money or see friends. I know that myself, I sort of put a limit when a man goes off in that way after he has straightened up, to restrict him again when he comes back.

Q. You find that that is necessary?

A. Yes, sir.

Q. And you have had experience, also, in regard to these men who have come up from Long Island, I suppose?

A. Yes, sir.

Q. You find that they do go off on a debauch?

A. Yes, sir.

Q. Get drunk again and come back in bad shape after it?

A. Yes, sir.

Q. The 6th recommendation is as follows: "That the standard of the hospital should be raised, both in medical attendance, in nursing, and in the study of disease and its cure."

A. You cannot have anything too high for that. That is, too high a standard cannot be reached in the medical profession.

Q. That is, you would say you would reach the highest possible standard in every respect in the conduct of the hospital?

A. Yes, sir.

Q. And you would think that would be good economy, would you?

A. Yes, sir.

Q. I mean taking economy in the broadest sense?

A. Yes; I don't think there ought to be a waste, of course, of expenditure on anything that is absolutely unnecessary.

Q. Well, now, you spoke of one or two institutions — I think one was at Cranston and the other on the Hudson — which you had recently visited and which you thought were extraordinarily good?

A. I mentioned those two as being superior to anything I had ever seen. Of course, I had visited most of the State institutions throughout the country, but those are very, very fine — almost, in my judgment, unnecessarily fine.

Q. Now, this institution on the Hudson — where was that?

A. Matteawan. Dutchess county, New York, on the Hudson river.

Q. What is the nature of that institution?

A. That is the State hospital for the insane.

Q. Yes; the insane hospital exclusively?

A. Yes, sir; finished in the spring of '93, I think.

Q. And what is the Cranston institution — also an insane hospital?

A. No, that is for the poor generally, as our Long Island institution is expected to be.

Q. It is like our Long Island?

A. Yes, sir.

Q. Now, what were the peculiarities of the Cranston institution which particularly struck you — I mean which seemed to you particularly commendable?

A. Oh, I think the architecture was superior — things generally?

Q. The building?

A. Yes, sir. Of course, when I was at Long Island institution, as I remarked the last time I was on the stand, they hadn't fly netting on the windows, and when I was at Cranston, last summer, they had everything in that way, I think. But the general makeup of the place in its environment generally was very much better. The attendance and everything there seemed to be a little better — there were more attendants.

Q. Will you explain that a little more fully — assuming, which is the fact, that we have not seen it, won't you give us a description of the particulars in which you thought it was commendable?

A. Well, I think the dormitory, the room itself, was more spacious.

Q. Less crowded?

A. Yes, and better ventilation, and being more spacious there was more room, the aisle was broader and the cots were farther apart, and I think they had those large hospital beds. I am not sure that I noticed whether the Long Island hospital had them or not — and the thing looked new all through.

Q. Yes. Well, now, you said something about nursing or nurses. I don't know what expression I used.

A. I said the nurses there were dressed pretty much like the City Hospital nurses are. I think, if I remember rightly, that they had uniform dresses on.

Q. Yes.

A. And they looked to be very neat and very clean, very tidy, but I don't say that they are not at Long Island. My attention was called to that fact — everything seemed to be so unique in that particular.

Q. That is, at this Cranston institution?

A. Yes, sir.

Q. It was conducted as an institution which is not a pauper institution is ordinarily conducted?

A. Yes, sir.

Q. Had the look of one of the large public hospitals?

A. Of a higher grade than the other ordinary institutions that I have visited.

Q. Yes.

A. And with those two exceptions I don't think anything I have seen is superior to Long Island.

Q. This Cranston institution is, as you say, entirely a new institution, is it?

A. Yes, sir. I think the worst one I have seen is at Washington, D.C., itself—the capital of this country.

Q. And you spoke of one at Atlanta, I believe, and San Francisco?

A. Yes, sir. The one at San Francisco is pretty poor.

Q. Well, do you have any difficulty in the matter of vermin at your institution? Do you find it necessary to take any particular precautions?

A. Yes, sir.

Q. What do you do?

A. We have a steam chest. Every man that comes there is subjected to inspection. For instance, if a man comes to the Home and he has a very nice suit of clothes, we look them all over thoroughly. We have a man—two men in fact, one man whose duty it is to see that attention is given to those who bathe, that they have soap and sponges, etc., and the other man inspects clothes entirely. Then we have a paid licensed engineer, and then we have a regular steam chest, one of the first, I think, of the kind. We have a sort of improvement on the others.

Q. A kind of drum, is it?

A. Well, a large tank and inside is a large cage and the clothes are hung on racks all around.

Q. How long have you had that?

A. Had it when we made the improvements there a year ago last October.

Q. What did you have before that?

A. Well, we did the very best we could. In other institutions I have noticed a fumigating-room. You can take a room of a thousand feet, cubic feet, and two ounces and a half of sulphur and an ounce and a half of concentrate of ammonia and inject that into water and it will produce such a fumigation as will kill any germ whatever. We have got that going in Washington, at one institution we started last month in Albany, and in one we introduced in Jersey last spring we have got the same thing.

Q. Then in some form it must be done—you have to have a steam drum or something to do it?

A. Yes, sir.

Q. In order to keep the institution free from vermin?

A. Yes, sir.

Q. And you have always found a necessity for that at all times?

A. We have two men whose duty it is to inspect beds every morning while they are being aired to see that everything is all clean and the beds are what we call fumigated. There is a man whose duty it is twice a week to go all over those beds and insert a preparation. It is his special work.

Q. Yes. Well, now, you give very careful attention to the matter, and you do not rely on the inmates themselves to do this?

A. Those are men who have formerly been inmates. The man who is our bookkeeper and the man who handles the cash formerly

came there in that way. I am the only man myself who has not been in there as an inmate who is in any way employed there. That is to say, these men have been educated, and we believe have got just as good material in them as men we would get from outside. Those men are put there as officers, and every man is taught to respect them as officials. Those men have their respective positions, and they are paid for it just in that way.

Q. And they are men who are devoting themselves to this work?

A. Yes, sir; under salary. When they can better their condition we send them out and other men will take their place, the most likely men to fill it.

Q. How long have those men been there?

A. A good man, I might say, in that position, might stay there on the average two or three months. Perhaps a man will come there at this time of the year into one of those positions, and we will keep him until spring opens, but the very moment we find a position that we think that man can fill, in connection with our employment bureau, we send him out and put another man in his place right away.

Q. It is a training school, for the men, and they go out as soon as a better position offers?

A. Yes, sir.

Q. (By Ald. LEE.) Do you ever have any trouble over there with any of the inmates—that is, assaults, or anything of the kind?

A. Assaults? Well, I am an officer in the Home, appointed by the Board, and of course we sometimes have men who are unruly. We have what is known as a strong room there, down in the cellar. I had it fitted up on purpose, and if we have a man who makes trouble, and if we don't want to have him taken out and put away, we take him and lock him up there as best we can. Of course, when I say "lock him up" I mean we put him down there and try to get him sobered off, and if he persists in being ugly and wanting to fight he is always taken care of. We have a box right down there connecting with the station and we can send them in.

Q. Connecting with the station-house?

A. Yes, sir—used to have them take care of a great many when I first went in there—a great many.

Q. (By Ald. BARRY.) But they know you better now?

A. I guess they do.

Q. (By Ald. LEE.) That is the way you do—if you cannot take care of them yourself you ring in for the police and have them take care of them?

A. Yes, sir; I take care of them myself as far as possible and make kindness the rule.

Q. You have not had any dangerous assaults there, have you, many times?

A. No, sir. A man hit me once—I don't think he intended to. He hit me with his elbow. I was trying to get an old man out, and this man came in between us. But we sometimes have

trouble in connection with refusing a man admittance. For instance, I know a man who is a fraud — he is a Catholic to-day and a Protestant to-morrow, a Baptist the next day and a Presbyterian the next day. In that way he will go around and get money on the pretence of getting it for his family, and instead of using the money in that way he will use it for an illegitimate purpose. I have refused admittance to that man, and very often when admission is refused to men of that kind they attempt to make trouble. There is one case that Mr. Riley will remember about in court.

Q. Which Riley?

A. Lawyer Riley, and I think he found out afterwards it was all right. We took care of that man and he left the city and hasn't got back since.

Q. (By Mr. RILEY.) What case was that?

A. That was the case where another man attempted to take from me that man we had the trial on in the court.

Q. Oh, that is the case where I defended the man?

A. A. Yes, sir; and afterwards, when you looked it all over you went down and were willing to *not pros* the case. He was a fraud. That is the only man I know of who made an assault because he was refused the advantages and privileges of the Home and I took care of him — in other words, knocked him out. I defended myself and was the better man of the two, and then two others pitched in.

Q. (By Ald. LEE.) I think you are right in that, Mr. Roberts. If you have any parties who come to the institution drunk and create a quarrel and attempt to break the discipline, if they are in the Home and you think that you are able to take care of them yourself you put them into the strong room, and otherwise you turn them over to the police?

A. Yes, sir; I think that is the best thing to do if a man is very troublesome — to call in the police.

Mr. RILEY. — That is what they do at Deer Island — call in a lot of policemen there.

Q. (By Ald. LOMASNEY.) Mr. Roberts, you have never had any man come in sober and raise any trouble?

A. No, sir.

Q. It has always been men under the influence of liquor?

A. Men under the influence of liquor who come there.

Q. Never had any man who was sober raise any row at all in the institution during your several years' experience there?

A. No, sir and there are very few who raise trouble there now. They used to at first, feeling that they could run the thing, and finding that there was objection to that and that they couldn't do it they have subsided. Of course a few of them were a little bit impudent at first.

A. (By Ald. LEE.) That is, I understand you to say you have had no quarrels with anybody in the institution — inmate as against inmate or inmates as against any of the officers of the institutions?

A. No. There has been one most serious affair there, you know, where one man was stabbed. I was in Atlanta at that time.

Q. Was that man drunk?

A. They were both drunk. That is to say, the cook himself had furnished the means for this man to go out and get liquor, and he brought it in, and the whole thing was done hastily. I think he said he wanted supper and the man understood him to use the language that he was a sucker, and rose up hastily and struck a deadly blow, stabbed the man and he died. That is the most serious thing that has happened there, and I think it was done on the impulse of the moment.

Q. That was the only serious trouble?

A. The only serious trouble we have ever had there, and I was absent at that time in Georgia — Atlanta — in the Southern States.

Q. (By Ald. BARRY.) Mr. Roberts, of course I recognize the fact that you have one of the best Homes in this city for that class. I have known a good deal about it myself in the last ten or fifteen years. But I would like to ask this question: Have you ever had any fault found by the people there so far as the quality of the food is concerned, — that is, where they wanted food of a better grade, when really the food itself was good enough?

A. Oh, yes, it is impossible to please some of these men. I think the witness who took the stand prior to me stated it very well when he said some people would find fault in heaven. There are some who find fault with the food they get there.

Q. Yes, sir.

A. I think it is impossible to please every one. But then the food speaks for itself.

Q. And yet sometimes you have fault found with it?

A. Oh, yes, and you might do right nine times and the tenth time they would think you were the worst man on the face of the earth if you did something that did not just suit them.

Q. Well, why I asked the question is this: I think you will give me the credit of knowing pretty nearly where you purchase your goods, and that I am acquainted with the fact that you purchase first-class goods in that neighborhood.

A. I purchase the best material I can get and as low as I can get it, of course. We get a low-priced flour, because we think it is the cheapest thing to do it.

Q. (By Ald. LOMASNEY.) What do you pay, Mr. Roberts?

A. I think four dollars and twenty cents for the last lot. We get large lots.

Q. How many barrels at a time?

A. We get as many as the storeroom will hold — I think twenty-four barrels.

Q. Simply for Boston or for the entire United States?

A. Oh, for Boston. We educate men for these other places and put them there and they run their own institutions.

Q. What do you pay for your tea a pound?

A. We have a very large discount, I don't know as I ought to give that.

Q. I don't want it, if you don't want to give it.

A. Well, we have donations, you know — a dealer, for in-

stance, will charge us 25 cents a pound and donate to us ten per cent. of the money.

Q. Well, you never get any tea for ten or fifteen cents a pound, do you?

A. Yes, sir; I have bought good tea for fifteen cents a pound.

Q. You have?

A. Yes, sir.

Q. Do you serve that most of the time at the Home?

A. I don't drink tea or coffee myself.

Q. I say do you serve them at the Home most of the time?

A. For the women we have a tea that is known as the Formosa tea, a mixed tea, very good, that I buy very cheap, and then a good many tea merchants have donated us quantities of tea, and sometimes we get a cheap grade of tea and put a good quality with it. For the last tea I purchased I believe I paid 18 or 20 cents for the last lot — a large chest. It is probably 50-cent tea, tea that you would have to pay fifty cents for.

Q. (By Mr. BRANDEIS.) That is, the men who are in this business give you a low price in consideration of the institution on the articles that they are dealing in?

A. Give it to me at cost — make it a practice to give me things at cost, usually.

Q. (By Ald. LOMASNEY.) There is no general complaint among the inmates about the food, is there?

A. Not in general — sometimes an individual.

Q. Simply an individual who will complain — say once a month or so?

A. Oh, some crank, but usually they are satisfied.

Q. Nobody kicks but a crank, and that only once a month or once in two months?

A. I have never heard much of it myself. They have all they can eat there, and as Alderman Barry says — and he has been in and out there frequently — the best meat that I can buy. I buy the entire side, and it is cut up, and they have regular bills of fare through the week. They have what I should call an ordinary twenty-five or thirty cent dinner, and they always have meat if they choose, fish on Fridays if they choose, and so on.

Q. (By Mr. BRANDEIS.) You have meat every day?

A. Yes, sir; every day.

Q. How is it about the meals?

A. Well, starting with Sunday, they have the Boston dish, baked beans, on Sunday morning. We have two meals on Sunday, for the purpose of giving the men a chance to do their cleaning up, go to church, take a walk, or anything of the kind, and on Sunday we have roast beef with gravy, of course, and two kinds of vegetables always during the year, and then we save all the bread and have bread pudding or rice pudding and fruit. Then they always have coffee and bread.

Q. Milk in their coffee?

A. Have milk and sugar; yes, sir. Monday morning they have usually a hash that is made up from a little of the beef that is left over, and for dinner Monday they have a boiled dinner, and have

the cold meats left over from the boiled dinner Monday night. Then on Tuesday morning they have beefsteak, or sometimes fried liver and bacon, and for dinner Tuesday they have roast beef. They have roast beef three times a week, and they have beef stew at different times. Then we have pork, and we change the diet right along. On Saturdays we always have a corned beef dinner, a boiled dinner, and then the cold meat is left over at night.

Q. Meat every day?

A. Three times a day if they wish it.

Q. If they wish it?

A. Yes, sir. Then we have what I might call "johnny-cake" down there, shortcake, ginger-cake, and we save the scrapings. Where there is such a large number of men the scrapings amount to considerable, and we get raisins and make a bread pudding several times in the week, or have rice pudding. Of course these men earn it. I feel that they are not paupers or men in a penal institution. The institution is run on a basis that the men shall get a return for their labor.

Q. And they work better if they are well fed?

A. Yes, sir. As I say, there is no general complaint from any one. Sometimes a man will come in — generally a fellow from Long Island, I think, that the Commissioners order to me — that wants to make a fuss. They want to have Parker-House meals, and everything else.

Mr. RILEY. — Well, that is easily understood — they have been fasting long.

Q. (By *Mr. BRANDEIS.*) Well, now, *Mr. Roberts*, with what price of boarding-house does your institution correspond, if you are able to tell?

A. With what kind of boarding-house?

Q. Yes — at what price per week?

A. Well, the kind of boarding-house, I would say — well, I was brought up at my mother's home, and I had nothing better at my mother's home than these men get, and I was brought up fairly decent. I think that covers the ground.

Q. And the men are generally contented, are they?

A. Yes, as I said before — with a few exceptions, of course.

Q. Yes, there are exceptions, but as a rule they are contented?

A. Yes, sir; don't hear many complaints.

Q. The general feeling is one of satisfaction and contentment?

A. Yes, sir.

Q. Do the men feel a personal interest in you?

A. Yes, sir; I think you will find that that is the case, from the tokens of esteem that they show me by presentations of one kind and another.

Q. Well, are there any evidences of personal affection or anything of the kind?

A. Well, you will see documents in that report which show the expressions of gratitude.

Q. You feel that personal influence is an important thing in dealing with these men?

A. I do. I think every man ought to come in touch with the men who are with him as far as possible.

Q. Do you feel that it is possible to elevate these men except by treating them in that individual sort of way — I mean by taking them man to man?

A. I think there are some men that you cannot affect anyhow, and yet somehow or other I feel that there is a stairway that leads to every man's heart if you can only get to the top step.

Q. And there is an effort on your part in that direction, and your family, I presume, assist you?

A. We live right with them. I have a house, my own house, but I don't live there. I live in the Home from choice, simply because I want those men to feel that I am a part of them.

Q. Well, how extensively are you with them — in the same building? Any more than that?

A. Right in the same building. Some of the rooms are just adjoining rooms.

Q. You mean connecting rooms in any way?

A. Well, the houses are all connected in a sense. We have been putting them together, and they go in the same doorway, go up the same stairs, and there are what are called the private stairs for the superintendent's family. I believe the superintendent ought to be respected, and in order to be respected ought to be distinct from the inmates. I think that is right. It has seemed to me here that there has been a little savor of criticism of some of the superintendents in that connection. It has seemed to be felt that they ought to have the same rations and same fare as some of the inmates. I do not altogether agree with that. I think that when men are by education and training entitled to comforts they ought to have them, whether they are in these positions or not, and of course, as I say, I am there from choice. I need not be there.

Q. You have not heard any suggestions of any objection on that score, have you?

A. Well, I thought I heard it suggested that Dr. Cogswell was having too much help, etc., and more milk than was necessary, and so on.

Q. Wasn't that a comparison between Dr. Cogswell and his officers, the doctors and others?

Q. Well, I took it as a comparison with the inmates. Now, my officers sit at the same table with me.

Q. They sit at the same table with you?

A. Yes, sir; the heads of the departments.

Q. I mean the heads?

A. Yes, sir.

Q. And they are treated as well as you?

A. Yes, sir, my associates, my assistant or deputy, for instance, and his wife, or any one who may come in that has gone out, as we say — any of the boys who have been out and have come back to see us, I always invite to my table.

Q. There is no separation — you do not hedge yourself around as against your officers, your physician, or anything of that sort?

A. Not at all. Everything is filial in that way and in common.

Q. And I presume that all the officers undertake to pursue the

same course you have described in regard to yourself in attempting to create a personal relation?

A. Yes, sir.

Q. You must, of course, sustain a personal relation with the people you are trying to elevate?

A. Yes, sir.

Q. And you believe that to be necessary?

A. Yes sir.

Q. To go back for a moment to that matter of the destruction of the vermin in the clothes — I understood you to say that either a steam drum to destroy vermin, a steam chest, whatever you may call it — a desk, or something equivalent to that is absolutely necessary in an institution of the nature of the one you are in?

A. In order to preserve cleanliness.

Q. In order to preserve cleanliness it is absolutely necessary?

A. Yes, sir; with that class of men you are dealing with.

Q. I mean with men of that class?

A. Yes, sir.

Q. Now, would you deem it a proper substitute for that treatment to simply take the clothes and roll them up into a bundle and put them in an oven and bake them? Would you deem that a proper substitute?

A. No, sir; I am opposed to that. In the institution that has been erected in New York by Vanderbilt, Rockefeller, and several others, on 42d street, they had an oven built that cost \$250. I told them that I didn't think it would answer the purposes, that in my opinion steam was the best agent as a destroyer.

Q. You mean to say that in that institution they baked the clothes in the same oven in which they cook their bread?

A. Oh, no. It was an oven built expressly for the purpose of fumigation or destroying vermin in the clothes of these men with whom they were going to deal.

Q. Well, what would you say to a practice of baking clothes in the same oven where they bake bread?

A. I don't think you could get sufficient heat to destroy life in that way. It has been tested. I think Dr. Rowe, of the City Hospital, will bear me out that there is no agent so well qualified for that purpose as steam, because with steam you can get a so much greater degree of heat.

Q. It wouldn't be desirable from the point of view of the bread, either, would it?

A. I don't know of any institution where bread and vermined clothes were cooked together.

Q. And you wouldn't approve of it?

A. I certainly would not — not of eating the bread.

Q. (By Ald. LOMASNEY.) Just one question, Mr. Roberts. Have you any idea of the per capita cost per week to support an inmate of your institution — somewhere near?

A. Yes.

Q. About how much?

A. I had occasion to figure that out last week at Albany so as to know for what we could sell the product of the labor of

these men in order to make them self-supporting. I think a good meal can be supplied for from six to eight cents — the meal itself.

Q. Well, take the housing and clothing and give us your opinion about the per capita cost of keeping an inmate of your Home there for a week?

A. Well, figuring it up, I should judge that it would be about twenty-four cents a day — thirty cents would give a man very good board. Of course, the bed cost nothing, only the labor of washing, etc.

Q. Take the whole thing — feeding them and housing them?

A. Well, we charge a man three dollars or three dollars and a quarter a week.

Q. And make a profit at that?

A. Make a profit out of that so as to help those unable to pay even for what they get. That is to say, we have a balance usually on hand.

Q. And out of that balance do you pay any of the interest on your plant?

A. No interest, because it is a corporation, and we are exempt from taxation.

Q. How much money is there in the plant, in the Home in this city?

A. Well, we have four buildings there that I should judge would be worth about fifty thousand dollars — that is a low estimate for that property, is it not, Alderman Barry?

Ald. BARRY. — It is worth all of that, I should judge.

The WITNESS. — Then we have two buildings on Randolph street — stables, etc., for storage and for industrial purposes. I should judge that that property would be worth to-day about \$8,000 — Well, between \$5,500 and \$6,000.

Q. (By Ald. LOMASNEY.) And you think you can feed a man in good shape, giving him board and everything, for two dollars a week? You think that would be about fair?

A. Well, hardly — say two dollars and twenty-five cents, or probably two dollars and fifty cents.

Q. (By Mr. BRANDIES.) That is, two dollars and twenty-five cents would be about the weekly cost per inmate?

A. Yes, for the diet we give. Of course we have no rent to pay, and you must take that into consideration.

Q. I mean exclusive of the rent. What do you think the diet, the board, would bring?

A. Well, say two dollars and fifty cents, anyway. I should be willing to take people for that and give them good food and good accommodation, with every facility.

Q. And you pay for every bit of help that you have?

A. All the help are paid there.

Q. That is, whatever work the inmates do for you or the outside world they are paid for?

A. Yes, sir.

Q. What you believe to be the fair value of their labor?

A. Yes, sir. They average about, say fifteen cents to twenty cents per hour, each of those men.

Q. And if they were working as assistants in your kitchen or as waiters at your table they would be paid a fair amount for the work they did?

A. Services are paid for, we pay our teamsters \$9 a week, and they pay their board out of that amount.

Q. Yes.

A. That is what we allow.

Q. Now, what do you allow, say, for the cook?

A. The cook is paid \$7 a week. Of course he gets his board and a room by himself. We believe he is an officer in that sense, that we have him as such.

Q. That is, the officers have rooms by themselves?

A. Yes, and then we have rooms in this way. There is one little room, say, that two men sleep in, and there will be another room where there are three cots in one room. The waiters and teamsters will sleep in such rooms, for instance — having one cot for themselves and another for the helpers, and so on. Then the transients are by themselves. Then the men who have made some advance are given another department by themselves, and so on.

Q. How about the women?

A. They are in a building entirely by themselves, and we have the graduates there, also.

Q. How is that in the case of the women?

A. Separate dormitories in the same building.

Q. For women who have been there some length of time and whom you have an interest in?

A. Yes, sir; they are classified in that way.

Q. You undertake to separate the women who are respectable from those who are less so?

A. Yes, sir. The matron, of course, has assistants, and all the women are subjected to inspection as they come in.

Q. And you are very careful, of course, to prevent any contamination of one from another?

A. Yes, sir; we always look after that.

Q. And secure that in part by a physical separation of them in different rooms?

A. Exactly.

Q. Now, how many persons in all work — I mean for the institution — as distinguished from the outside world? How many helpers have you, in one form and another?

A. I think we have thirty altogether, there. I think that is the general pay-roll.

Q. Thirty?

A. I think so, if I am not mistaken. That is what it was the last time I looked it over.

Q. And every one of those persons is there or has been there at one time in the capacity of inmate of the institution?

A. They come in there and work for their board and lodging first. The highest salary we are paying there is fifteen dollars a week. That man is married now and goes home. Of course he could stay there if he chose.

Q. He is practically a graduate of your institution?

A. Yes, sir : a trusty man, and he ought to be paid an equivalent of what he would get elsewhere. I think I need him as much as anybody else, and I pay him that salary.

Q. What is the next salary after that?

A. Nine dollars and seven dollars — nine dollars for a teamster and two dollars and board and two dollars and one-half and three dollars and board for women, and with one of those women we have taken a little boy, for instance. There are two children in the Home. I don't know, perhaps, that I ought to make this public. We take some of those people sometimes, the children being separated, and give them a home a little while, give them a salary by which they can earn enough to get a little home for themselves, give them a start, enabling them to take in washing and sewing and then take the children back. One woman, for instance, earns three dollars a week now and has her little boy, and we consider that an equivalent, of course, of four or five dollars a week.

Q. That is, she is getting board and money and in addition to the opportunity of boarding her child?

A. Yes, sir.

Q. Now, I think you said the cook was paid seven dollars a week in addition to board?

A. In addition to board and lodging ; yes, sir.

Q. Now, you have a cook's helper, I suppose?

A. Yes, sir. They get one dollar to two dollars, I think it is, but you must remember, too, that they take clothes, too, as an equivalent, and that the clothes they get are worth something to these people.

Q. You pay them partly in clothing?

A. Yes, sir ; and of course you understand that in the case of some of the employees there, it is only a temporary arrangement, anyway. We don't feel that we are paying them an equivalent exactly for what their services might be worth if they were employed all the time, because some of them are not employed all day.

Q. Now, coming back to what you have said — that the actual net expense of each individual is from two dollars and twenty-five cents to two dollars and fifty cents per week — that is, for the average, you mean, and including those who do not really do any work? That leaves you a profit to take care of some who cannot work?

A. Oh, yes ; we make a profit there, as you see by the report. We don't try to hide that. But then, the money that is left over is for what is called the extension of the work, for starting other industries or enterprises, you know, or helping weak ones, and we always allow these men to consider that fact.

Q. As those people do not pay any rent, it is only fair, if there is a little profit, that it should go towards extending the work of which these people are getting the benefit. That is what you mean?

A. Yes. They are the beneficiaries, of course.

Q. I was merely trying to get at the actual cost. I understand that this expense of two dollars and twenty-five cents to two dol-

lars and fifty cents per week which the working ones pay is sufficient to enable you to carry a certain number of others who are, to a certain extent, drones — that is, the busy ones can carry the drones on that?

A. Oh, yes, sir, and we pay house rent, also. I paid the house rent for a person the last thing I did before I came here. That goes out of the fund, of course, and those in the Home are contributors to that. Of course there are other things. There are occasions, as I have told you, where we send poor to their homes in different parts of the State and away to other States. There are many ways in which we pay out money outside of the Home from what we consider the product of the labor of these inmates.

Q. And all of that is done on this average, \$2.25 to \$2.50 of expenses all around?

A. Yes, sir; I should judge that we can run it on \$2.50 per capita. I should be willing to take men and board them for that.

Q. And that would pay for every particle of work that is done in the institution?

A. Yes, sir. Might I also say that we support our summer Home? I have a summer Home at Beachmont where I take the poor children in the summer, the mothers and babes, and when my coal teams are not doing anything else I decorate them up and send them out for rides. I make that a point, and we have refreshments for them, and they go in bathing, clam-digging, etc. Some I keep over and some I bring back, and all the expense comes out of this same fund.

Q. I wish you would tell us something more about the summer Home. That is an adjunct of the institution that I had not thought about.

A. Perhaps I am wearying you?

Q. Well, I am sure I have not heard anything so intelligent and interesting as has been presented in your testimony, in the course of the whole investigation, and I believe the other gentlemen here would be pleased to have you go into this matter as myself. I believe they feel the same as I do.

A. Well, this is what we call our seashore Home for boys and girls and tired mothers. There are three buildings — one for women with their babes, one for boys and another for girls. That is a separate organization from the one to which I have had reference. It is a sort of private Home to which I contribute personally myself, and the extra expense is contributed by a sort of an appropriation that the board of directors vote to me. And of course there is an expense, as you know, attached to everything of that kind — car-fares for those who go down on the cars, and so on. I pay all their fares; and then there is the expense for teams and men, the stable down there, and all that kind of thing.

Q. But you are able out of this weekly per capita expense that you refer to to give them also an opportunity, or some of them the opportunity, to avail themselves of that? Of course all cannot go, but you give some of the women and children an opportunity to enjoy a little seashore life?

A. Yes, sir — put up tents there, also, so that them en can go down and go fishing, swimming, etc., so that they can have a day of recreation. I think every one ought to have some recreation, sir, that is one of the necessities of life.

Q. And you consider that a part of the reform that you are undertaking?

A. I think so.

Q. To bring them up as much as possible like other human beings like yourself and others with whom you are associated?

A. Yes, sir. We take people down there, children and adults. It is a part of the process of what we call redeeming these people, redeeming them to a better life.

Q. And you find that that better treatment which you give to these people has changed them and has led to their being better?

A. Yes, indeed. I have a number of children who don't know any other parents than myself. They call me their papa, for instance, and those children I take care of. I look after them in some way or other.

Q. And the older people themselves — you find that they are similarly benefited?

A. They appreciate it; yes, sir.

Q. They appreciate it, and it helps them along in a better way?

A. Yes, sir. I have women there — I couldn't go into the details of those things, because a great many things are private, are intrusted to me. But at the Home, to-night, for instance, the officers may bring men or women to me to be taken care of, and that is done constantly. The men are very good in Division 5. and I have a night-bell by which I can be aroused at any time in the night to receive people. Last night, when I was over-crowded in my Home, I put down, I think, 24 mattresses in the chapel, and every man, of course, who goes in there gets a bath, a clean night-shirt, a mattress, a pair of blankets, and they all rested, of course, very comfortably. I think it is a good thing to do that, and I want to buy another building now. So that all this is carried on, as I have said, from the direct labor of these men, with the exception of what is donated by merchants here who feel disposed to send contributions.

Q. And that donation in the aggregate —

A. You can see it there. Everything is mentioned there in the back of that report; everything is detailed.

Q. Well, the total cash donations you have here are not very large in all?

A. No, sir; not very large.

Q. A few hundred dollars — less than \$1,000 would cover the whole?

A. \$700, I believe. Of course, we are organized for help and relief outside, in emergencies.

Q. And you are doing a small amount of out-door work?

A. Yes, sir; which we are not supposed to do as an institution, a corporation.

Q. In this list which is given showing a varied list of donations

of merchandise, the merchandise is fairly small in quantity, the individual things?

A. Yes, sir.

Q. One piece of ticking, four mattresses, twenty-five pounds of coffee — I mean it isn't anything very large in bulk?

A. Well, people who want to be identified with the work of the institution, people interested in its work, send those things, and of course we have a printed slip and acknowledge everything sent and put it in there so that people may see the purpose to which it is put. We, of course, give them credit for it.

Q. But after all, taking all the donations together they constitute but a small part, I mean but a comparatively small part?

A. But a very small part of the total of about \$50,000 a year — very small.

Q. Is there much book-keeping at your institution, much record writing and book-keeping?

A. Yes, sir; we have a regular system of book-keeping. In fact, they have patterned from our system of books all over the different institutions. Everything is kept account of in that way.

Q. Well, how much of a man's time does it take to keep the books there?

A. My daughter at the present time wants to do something towards that, and she is practically the stenographer now, and I have a man who is a book-keeper himself, you might say. But she does all the posting and does the stenographic work. Besides that she has what is known as her little mission-work. She has from eighty to one hundred children that she looks out for in the community, besides the book-keeping — clothes them, instructs them, etc.

Q. But the work itself — have you had the work done there by a book-keeper at any time — by a book-keeper who was paid for it?

A. Never, no, — that is, we pay a man, of course, who keeps the books — that is to say, in the industrial department. He keeps his day book, the time book, and so on, and there is another clerk, a night clerk, and of course it all comes back to my private office and there the books are made up and posted up, and at the end of the month everything is taken off. Then we have what is called a voucher book, etc., and a statement is made out from those books. We have a printed statement of all expenses. We can tell, exactly, to a cent what we have made, or what deficiency there is, each of the board of directors and the president each have one of those statements once a month sent to him, so that he can practically see exactly where we stand. We take an inventory every month, and in that way, with the expenses, disbursements, and soon, can tell exactly where we are, the amount of cash received for different purposes, including donations and everything under the printed head, and we put it up and take it off on this statement and send it right out. I indorse it.

Q. Well, aside from your daughter, whose work, I presume, like your own, is largely from philanthropic motives, have you any book-keeper who gives his whole time?

A. No.

Q. There is no one who gives his whole time to the work?

A. No; they do it between them in that way. She posts off from the day book into the journal and then he posts from the journal into the ledger. He makes out an account from the ledger, and of course she credits it up in the cash book. Then my wife — usually the gray mare is the better horse of the two, and it is so in this case, anyway. She is there and looks after the cash receipts, money. I had forgotten all about her.

Q. Is there anything done in the way of instruction — anything like a school connected with your institution?

A. Yes, sir; that is the school I had reference to. You cannot call it a kindergarten exactly, but it is pretty much on that principle. The children are taught in that way, and of course the men have lectures upon hygiene, and once the doctor lectures on anatomy, etc., the circulation of the blood, giving certain precautions to young men, and so on, a week. Then we have entertainments once a week from a literary standpoint.

Q. Now, how many attend this school?

A. Oh, the men are very much interested in physical culture — that is to say, when I say physical culture, I mean the enlightenment that is given to them by the lectures. They are very much interested, takes notes even, and some of them ask questions.

Q. Well, how many attend this kindergarten school — how many of the children?

A. Well, we have probably about eighty. At Christmas-time we have a great many more, because they all get presents.

Q. Well, those are children who come from outside?

A. Yes. The children in the Home, of course, are sent to school. We have some of these mothers with children, as I have told you, and the children are educated somewhat in the Home, and when they come of age we send them to school. The next one who will be going to school after a while is now but four years of age.

Q. How young are the children in the Home?

A. Oh, we have children born there sometimes. We don't want that to happen, but sometimes it does happen in cases of emergency — twice last year.

Q. How many times?

A. Twice — two births last year.

Q. And how many young children are there apt to be there?

A. Well, we don't have a great many, because we try to avoid that if possible. These women are working women in the Industrial Home, and we don't think it is a proper place for a nursery. We don't like to keep a woman out from the fact that she has a child two months or three years old, for instance, but we try as far as possible to have the Home entirely for adults. We do make exceptions, however, and at present there are one or two mothers who bring children with them who have no other place to go.

Q. Do these children get out of the Home at all?

A. Every day. We have a nurse sent out with them, you know — somebody to watch them.

Q. You say the little children get out every day?

A. Every day.

Q. Also in the fall and winter?

A. Yes, sir; every day. I believe firmly in having children go out every day.

Q. Where do you have them go?

A. Right in front, on the sidewalk. Then I have a carriage, I might say a surrey, in which we take out invalid mothers and women. My daughter has just taken out an invalid woman this afternoon, a woman who has not been out much, who broke her hip.

Q. Don't you think it is a luxury for these children to go out every day?

A. No, sir; I think it is right and proper that they should, for the sake of good health.

Q. You feel that even in the winter they should get out, don't you?

A. Well, I guess you would think they got out if you heard the noise there sometimes. There are times when I almost wish they were not out.

Q. That is, you wish they were not out for purposes of personal convenience?

A. Yes, sir.

Q. But you insist on their going out, because you believe it is essential to their health and development?

A. Yes, sir.

Q. Is this man who does the work, with your wife and daughter, in connection with the book-keeping, paid, too?

A. Yes, sir; he gets \$15 a week.

Q. \$15 a week?

A. Yes, sir.

Q. Besides his board?

A. If he chooses he has his dinners, but he is married, as I say, and goes home now.

Q. Well, now, has it happened that there are any deaths, any persons who have died at the institution?

A. One death last year in the institution—a child died, I believe. That is the only death we had. We have a great many deaths reported to us, of course, where the parties would fill nameless graves if we did not bury them. The girl who fell out of the window on Davis street recently we buried, as Ald. Barry knows.

Q. When there is a death there you have funeral services?

A. Always. I get some pastor—a priest or somebody. We buried one at St. Elizabeth's Hospital last year and we paid the expense of Barry, the undertaker on the avenue there, thirty-five dollars. We had her in the Home, and her daughter we brought up and finally sent her out and she is married now—married a young man in the institution, well connected in the city.

Q. You think that having burial services in the institution is a part of the general education of the people, bringing them up to a higher standard?

A. Certainly. I have performed services myself a number of times when it wasn't convenient to get a minister.

Q. What is the nature of that carriage that you say is sent out sometimes with invalids, to give them an airing?

A. A surrey — a kind of surrey wagon, two seated — that is a seat in front and behind. We were out getting Christmas gifts in it yesterday. That is to say, it is not an express team — it is a regular surrey wagon, made by Sargent. I bought it second hand.

Q. And it is your purpose, then, always, whenever your horses are not engaged in earning money for the institution, to use them for the recreation and the health of the inmates?

A. Yes, sir — would be glad always to receive calls any day to take invalids out in that way. We do. One woman I took out myself a few days ago had not been out of the house for five years, I think. She was an invalid and was not even able to go to her husband's funeral. I went to the funeral myself and represented her. That woman we took into the Home Thanksgiving. I took her in myself, and hadn't a carriage that day that I could get, so I borrowed a buggy. She could not get out otherwise — had a stiff leg and couldn't get in or out of a horse car. We do that work.

Q. (By Ald. LEE.) Is there a top on the surrey?

A. Yes, sir; and side curtains, when it is blowing, so as to protect them from the weather.

(A recess was taken at 6.05 o'clock P.M. to 7.30 o'clock P.M.)

EVENING SESSION.

The committee, upon reassembling after the recess, went into executive session, and were called to order in the Aldermanic Chamber at 8.42 o'clock P.M., when the hearing was resumed, Chairman Hallstram presiding.

Mr. PROCTOR. — Mr. Chairman and Gentlemen of the Committee: In spite of what has just passed, I am of the same opinion still, and I ask the Chair and the committee for an adjournment now until to-morrow. The committee can now sit, as I understand it, under the chairman's rule, and would sit until half-past ten. I have not asked this committee to postpone the hearing because a witness whom I had intended to put on was not here. We have interposed no technical objections to the course of this case since the first of it, when we were endeavoring to find out the rule by which the proceedings of this committee were to be guided. We did at first, at the very outset — we opposed objections to the sort of testimony that was to be received; but as soon as this committee had decided that certain evidence was to be

received, we have since interposed no objection. Now, it seems to me that I am not asking too much on behalf of my clients when I ask for a postponement. I am sorry that I am obliged to, but it seems to me that in the performance of my duty to them I should, and I do ask it. I do not wish to put on any further witness to-night, because there exists in my mind an uncertainty as to the course which would be necessary for us to pursue with respect to the further prosecution of this case; and until that question is decided — and I understand that is to be decided to-morrow — I ask that I may be allowed to stop here until that question has been decided.

MR. RILEY. — Mr. Chairman —

ALD. LEE. — What time to-morrow?

MR. PROCTOR. — Any time, sir: morning, afternoon, or evening.

THE CHAIRMAN. — Mr. Riley.

MR. RILEY. — I object, and most emphatically. We have reached a stage in this investigation when every hour and every minute counts. The gentleman makes his request without giving any reason for it, except that which is no reason at all, and which is childish, “I don’t want to go on just now.” It is not his wish that should prevail, nor is it mine. We are here in the performance of a great public duty. He does not pretend that his witnesses are not here and ready to go upon the stand, for he knows they are. Now, all efforts at delay from the opening of this investigation until this minute have been made by the other side, and made at times directly and at times indirectly. In the cross-examination of our witnesses in the early stages of this case time was consumed wantonly, and, in my judgment, for the purpose of delaying the investigation at every turn and every step. I doubt if any investigation will parallel this one in length of time consumed in the cross-examinations of the other side. They knew at that time that their tactics must necessarily tend to prolong the investigation, and that is just what they sought to do in order to bring it substantially to nothing. By prolonging it until the hot weather they hoped for a recess, and then when the warm weather was over they hoped that the committee would grow tired of it and shut off the witnesses for the prosecution. Now, we were shut off, substantially shut off, before we touched some of the institutions. Some of them we have not been able to touch at all, although we have testimony all ready to give this committee — and they began the defence. And they have not sought to expedite matters since commencing the defence, because had they wished to end the investigation fairly and honestly, they would have put on their important rather than their unimportant witnesses. Certain charges have been made and certain testimony has been introduced in support of those charges, and the men best adapted and best equipped to meet the charges and the testimony are their clients and the men they have up to this hour kept from the stand. Not one of the Commissioners has been called. The master of the House of Correction has not been called. The superintendent at Long Island has not been called —

MR. PROCTOR. — Yes, he has.

Mr. RILEY. — I meant Deer Island. The superintendent at Deer Island has not been called, but they have called witnesses to testify to unimportant facts, as, for instance, the witness called the other night in reference to the purchase of goods, and whose name, by the way, has not been correctly given in the newspapers; and they adroitly drew out his testimony without asking him the simple question as to what the cost of the goods supplied was — as to what the cost of those goods was, and it was only upon our cross-examination that the prices of the goods were brought to light. Of course, you know, and every sensible man knows, that the quality of the goods as a general thing depends upon the prices paid for them. We are not in the habit of purchasing genuine five-dollar gold pieces for four dollars and fifty cents, and I don't think we shall ever get into that practice or habit, because when we do somebody is going to lose money. Now, I submit that the request made to-night is not made in good faith; it is made for the purpose of delay; it is made for the purpose of waiting until to-morrow to see if a decision, which they expect this committee to make, will be in favor of them, and be made with a view to shutting off the further investigation, to shutting out further testimony in this investigation. I submit that that motion should not prevail. You know, Mr. Chairman, that we have but a very few days now until the political year closes, and every hour and every minute of the time should be given to this investigation. Not many members of the committee have been present during the many hearings we have had, and I must say that it has always been a puzzle to my simple mind, because even with my little experience at City Hall, I have noticed that whenever a financial problem was here for elucidation, whether a railroad or a bank or anything of that kind, there was always a full meeting of the Board. There seems to be something in this bank-note world of ours that attracts a full meeting whenever money is at stake. But while engaged in a far greater question, because it is something that involves humanity, the welfare of our people and our community, it seems to have been impossible to get a quorum of this Board. Now, I submit —

Ald. PRESNO. — Mr. Chairman, I do not think it is fair for the gentleman to make those remarks.

Mr. RILEY. — Well, it is true, isn't it?

Ald. PRESNO. — No, sir, I don't think so.

Mr. RILEY. — Do you think we have had a quorum of the Board right along?

Ald. PRESNO. — No, sir, but my objection was as to your remarks about the interest of the Board in financial matters. I don't think any remarks reflecting upon this committee are proper from counsel. We are here in the capacity of judges, and I don't think any Court would submit to it, and I think Mr. Riley would be committed for contempt if he made any such remarks in court. I ask the chairman for a ruling on a continuation of Mr. Riley's remarks.

Mr. RILEY. — Well, sometimes I feel a good deal of contempt and perhaps I ought to be committed for it.

Ald. PRESHO. — Mr. Riley is welcome to feel all the contempt, for me that he cares to.

Mr. RILEY. — I don't know enough about you, sir, to have contempt for you, or anything else.

The CHAIRMAN. — Mr. Riley will please argue his question.

Mr. RILEY — I was saying, Mr. Chairman, when interrupted, that the hours and moments are few and we ought not to allow them to be wasted, frittered away simply to accommodate the whim of counsel on either side. It is not what I like or what Brother Proctor likes, but it is what this investigation, — involving, as I say, public interests, — it is what this investigation demands. Now, I object, I protest, and most emphatically, against any delay at all. Let us go on until this year closes, if necessary, in order to get all the facts out and in order to get all the testimony in. If there are abuses the public want to know it, and if there not the public want to know that, too. But nobody is going to put up with a snap judgment.

Mr. PROCTOR. — Mr. Chairman, I wish to say one word more. Brother Riley charges, as usual, that a motion made by me was not made in good faith. That, of course, I emphatically deny. I shall say no more about it. I make the motion because I believe it is for the interest of my client, and it is not against the interest of anybody else. I will go farther, I will say that if the committee in its wisdom decides to limit the time during which the defence shall put in its evidence, and that of the prosecution also, that an hour and thirty-five minutes may be cut off of our time. That is a fair proposition, because I am informed that the committee would sit if there were evidence until half-past ten. There, certainly, in that view can be no possible objection on the part of my learned and distinguished and talkative brother. Now, the remarks that are made with respect to other things, with respect to my hopes or fears, are entirely immaterial. The course to be decided, upon is to be decided by this committee. If it is decided that this investigation is to be carried over until another year, very well and good. It is easy to see that our course would be one thing. If it is decided that the hearing must close with this municipal year, our course must decidedly be another. Until that is decided it seems to me, in view of the offer which I make, that it is not asking too much to ask the favor which I ask.

Mr. RILEY. — Your witnesses are here to-night, aren't they?

(No response.)

(The committee conferred a few moments.)

The CHAIRMAN. — Mr. Proctor, would you be ready and willing to go on to-morrow?

Mr. PROCTOR. — Yes, sir.

The CHAIRMAN. — The Chair will adjourn this committee —

Mr. RILEY. — What time to-morrow, Mr. Chairman?

The CHAIRMAN. — At 4 o'clock.

Mr. RILEY. — I cannot go on to-morrow until the evening, but I can make up for it to-night, and —

The CHAIRMAN. — The committee can go on, Mr. Riley. The committee has adjourned until 4 o'clock to-morrow afternoon.

Mr. RILEY. — To-morrow?

The CHAIRMAN. — Yes.

Mr. RILEY. — I didn't know but you would consult the convenience of counsel.

(Adjourned at 9.02 o'clock P.M. until Friday afternoon, December 21, at 4 o'clock.)

FIFTY-FOURTH HEARING.

FRIDAY, December 21, 1894.

The hearing was resumed at 4 o'clock P.M., Chairman HALL-STRAM presiding.

CLOSING OF INVESTIGATION.

The clerk read the following :

Voted, To divide the time remaining as follows : December 21 and 22, evidence in behalf of respondents ; December 26, evidence in rebuttal ; December 27, for the committee ; December 28, arguments, 10 to 6.30, with an hour and a half intermission.

Ald. HALL.—Mr. Chairman, I desire to say just a word in reference to the vote which has been taken. I believed, with the other members of the Board, that it was necessary for the committee to take some definite action upon the investigation which has been going on ; and I think that for this committee to expire without coming to any definite conclusion, after the long time which it has devoted to this investigation and the very considerable expense to which the city has gone in connection with the investigation, would be unwise and would cause the committee to be criticised. I believe we should come to some just conclusion, and I don't think the committee can be complained of because it seeks now to have this investigation brought to a close. We have already given over fifty hearings, occupying in duration more than four hours each. We have examined seventy witnesses, and I know that the committee has proceeded with a great deal of patience and has listened attentively to the evidence that has been presented. At the last hearing one of the counsel for the respondents saw fit to criticise the committee, and alluded to the fact that there was not always a quorum present. I want to say, Mr. Chairman, as one of the members who has not always attended the meetings of the committee, that I have pretty carefully read the evidence. The testimony occupies something like 3,000 pages, and in following the work of this committee I have been obliged to give up some of my own work and occasionally to sit up nights. While we have found it either necessary to abandon our business or else occasionally to be away from these meetings, I think that every member of this committee has followed the evidence carefully. It is not always necessary for every member of a committee of this kind, for a tribunal of this nature, to attend all the hearings that are given. It is not to be expected, it is not possible, that a large number of gentlemen, such as the Board of Aldermen is constituted of, should be always present, and if we follow the evidence that is

about all that can be expected of us. Now, one word with reference to the way in which this investigation has gone on. When it opened it took what I thought was a broad, elevated plane. There were no personalities of any importance brought into the case. The opening of Mr. Brandeis, the statements of Mrs. Lincoln, of Mr. Hale, and other citizens who appeared before us, certainly indicated that it was an investigation of the public institutions, and that the object to be attained was the benefit of the improvement, the reform of these institutions. That was the purpose, that was the object which we were seeking to gain. It was the purpose for which we were laboring, and I was very much pleased with the attitude taken by the petitioners. It did not degenerate at that time into any personal attack upon any set of individuals. That is the position that they assumed, and that is the position which I think they occupy now. If that is so, what I desire to hear, and I think what other members of this committee desire to hear, are suggestions as to what may be done to benefit these public institutions. The investigation has been of great benefit. It has been well carried on, and should not result in nothing. We should have suggestions from the petitioners, we should be assisted in our deliberations, and I think I may say that the result of the work of this committee will be, as far as we can make it so, satisfactory. That is all I wish to say. I think the members of this committee have followed the evidence quite closely and have tried to discharge their duties, and that they do not merit the criticism which my very much esteemed brother Riley saw fit to make last night.

MR. BRANDEIS. — Mr. Chairman, I have had the experience before another tribunal which teaches me that when a decision is rendered, it is my duty to bow to that decision. You have voted to close this hearing at a definite time and to conduct the remainder of the hearing in a definite way, and although that vote which you have passed is opposed to the request which we made before you in executive session last evening, we shall certainly, so far as it is in our power, to act upon the suggestion made by Alderman Hall, and to submit to you, as we have endeavored to do in the past, those matters which we believe will tend to improve the public institutions. You have given a great deal of time to the matter, and certainly, gentlemen, considering your work in the disposition of the municipal business during the past year, I feel that you have given to the consideration of this question fully as much time as we had any right to expect from you. The only thing that I venture to say now — and it is in part a repetition of what I said before — is that this time has not to the full extent been used, in my judgment, in the way best calculated to bring before you the facts which you should have. It has not, because in my opinion you have not had before you the witnesses, or some of the witnesses, who could best throw light upon this question, and unless you have them before you, or are able in some proper way to get their evidence, the hearing must close in the end without you having got all the facts. You will remember that I, before closing the case in regard to Long Island, endeavored to secure as a witness

then for cross-examination Dr. Cogswell. But that was not possible. Afterwards Dr. Cogswell was allowed to put in his argument in a way contrary to practice in ordinary courts, and contrary to a practice which, in my opinion, is best conducive to the elucidation of any question of fact. We were also told at that time that the Commissioners themselves could not be produced. They have not testified before you, and that they must have much information which would be of value to you, and to the public can hardly be denied. In addition to that, gentlemen, it has appeared in the testimony that Dr. Rowe, of the City Hospital, at the request of Mayor Matthews, made an investigation of the hospital at Long Island. Nobody, certainly in the city, would be more competent, would be better able to state to you the facts in regard to the conduct of that institution than Dr. Rowe. You have had before you, called on behalf of the respondents, several witnesses who either for a few minutes, or for more than a few minutes, have gone to that institution, been called there by Dr. Cogswell in order that they might testify in his behalf. Dr. Rowe made the investigation at the request of Mayor Matthews, and I understand was not there once, but more than once, and was there a sufficiently long time to enable him to speak understandingly on the subject. It seems to me that in the short time that is left those witnesses that I have referred to should appear before the committee, and in addition to that it seems to me, gentlemen, that you should have also Mr. Babson. There have been questions here in regard to the opinion which he has delivered as to the sufficiency of the present law to enforce compulsory labor at the institutions. Mr. Babson has been talked about, his words, so far as they have been written, have been submitted to you, and obviously there is no one more competent to advise you in that question, which would be an important one — whether the existing law would be sufficient, and whether there is any reason why in the past the sufficiency of the law should not have been held. It has been suggested from time to time that any attempt to have enforced that law would have subjected those who attempted it to great danger from suits and for malicious arrests or false imprisonment. I believe that no one would be more competent, no one would be more trusted by you to come before you and say, what I believe to be the fact that, if there was any doubt in the matter, the suggestion that there would be any danger in the attempt to enforce it is a suggestion merely, without any substantial foundation — that if there had been any attempt to enforce the law a test case would easily have been devised, and even in the absence of a test case the application for a writ of habeas corpus, which would have been granted at once, would have tested the question in a moment, and that this danger, this supposed danger, of any liability from an attempt to enforce the law, could have been obviated at once. Now, what I say, gentlemen, is not in any way in criticism of your Board. We have received throughout from you up to this time, and I am sure shall receive for the balance of the time, only courtesy. I know what a severe tax this investigation has been upon you as well as upon

us, but I have said what I say now because I know that you are as anxious as we are to have the small amount of time remaining under your vote put to the best possible use, and that best possible use necessitates the selection of those witnesses who are most competent to deal with the subject and who know the facts which others can merely conjecture.

Ald. HALL. — Mr. Chairman, I would like to ask the counsel a question. Mr. Brandeis, from what you say I can hardly gather whether this is an attack on individuals or an investigation of public institutions for the purpose of getting information which will enable us to make recommendations for the future?

Mr. BRANDEIS. — I thought, Mr. Hall, that there could be no question in regard to our attitude and your correct conception of it.

Ald. HALL. — I assumed that it was the latter.

Mr. BRANDEIS. — We are here — I am here and those I have represented are here — for one purpose only. They found these institutions needing reform. An investigation of those institutions convinced them that they saw in what they needed that reform, convinced them that they were able to bring before you, to bring before the public, to bring before whoever might have occasion to deal with the subject, evidence which must convince intelligent, reasonable, fair-minded men in what respect those reforms should be executed, because the questions, although perhaps a little remote from every-day life, are questions which are readily apprehended by men of common sense and experience. That is all that we have undertaken to do.

Ald. HALL. — That is, to reform the institutions?

Mr. BRANDEIS. — We wish to reform those institutions.

Ald. HALL. — Now, that being so, isn't there sufficient evidence on which you can base your recommendations? I mean, isn't the evidence largely cumulative? There is nothing new you desire to put in, of course — it is merely cumulative. Now, isn't there sufficient evidence upon which to base your recommendations or suggestions to assist the committee?

Mr. BRANDEIS. — Most certainly there is a basis for our representations.

Ald. HALL. — Well, now, the committee has evidence enough upon which to make recommendations for the future. One other question I may put and that is: Whether or not this defective system is not a system that had existed long prior to the term of office of the gentlemen who are before us?

Mr. BRANDEIS. — Not only that, but I think the evidence put in here by Mr. Hale —

Ald. HALL. — Yes, I remember.

Mr. BRANDEIS. — When I think you personally were present, has shown that the evils of which we now complain, the fundamental evils of which we now complain, were pointed out by Josiah Quincy before he became the first mayor of Boston.

Ald. HALL. — Yes.

Mr. BRANDEIS. — That they have been pointed out since that time by the committee appointed by the City Council in 1876, and which reported in 1878.

Ald. HALL. — Yes, I remember.

Mr. BRANDEIS. — And that the later investigation and development of the subject of the proper treatment of paupers has only rendered more clear the principles which Josiah Quincy recognized nearly one hundred years ago and which were set forth at such length by the report to the City Council in 1878.

Ald. HALL. — So that the only question is what recommendations or suggestions you would like to make and would like this investigating committee to consider.

Mr. BRANDEIS. — So far as we are concerned, that is, of course, the important question. With individuals we have nothing to do, except so far, of course, as they may be involved. That is a subject with which, of course, we have not to deal — so far as they are involved in the principle.

Ald. HALL. — So now we are to inquire in what way these institutions may be remedied and reformed.

Mr. BRANDEIS. — Yes. The only respect, therefore, in which further evidence can be important is in so far as our evidence may have been contradicted. Taking the evidence we submitted at the first hearings — and you will remember that of these numerous hearings only fifteen, and many of those very short ones, are occupied by those whom we introduced —

Ald. HALL. — You mean you individually, or Brother Riley with you ?

Mr. BRANDEIS. — No, I mean in regard to Long Island, because Brother Riley has represented the penal institutions, while I have represented almost entirely Long Island, except where incidentally I have touched upon Rainsford Island. Now, so far as the questions in connection with Long and Rainsford islands are concerned, they are large questions of system and discipline.

Ald. HALL. — You don't divorce Brother Riley, in a sense ?

Mr. RILEY. — Not in sense.

Mr. PROCTOR. — He was never married to it.

Mr. BRANDEIS. — Mr. Riley has devoted himself almost entirely to Deer Island and the House of Correction, and of those institutions I know nothing and say nothing.

Ald. HALL. — But you are both engaged in the same inquiry, so far as it relates to the public institutions.

Mr. BRANDEIS. — I supposed — my supposition was based on what was told me at the beginning of the investigation, that the hearing in regard to Long Island would be closed before any other institution would be taken up. My expectation was, after we had closed our case in regard to Long Island, that the defence would proceed upon Long Island; that the committee would hear the case to the end at that time, even if they would not render their decision until a later day. So that I have always considered that, so far as the case which I have presented was concerned, it was directed to one institution or two institutions, the pauper institutions about which we knew something.

Ald. HALL. — Well, your recommendations and suggestions will cover all the public institutions, I take it ?

Mr. BRANDEIS. — Not mine individually.

Ald. LEE. — In your argument and your conclusions?

Mr. BRANDEIS. — No. I should be very glad to make suggestions if I had the ability, but I have no knowledge in regard to Deer Island and the House of Correction sufficient to enable me to make any suggestions in regard to them to you. Suggestions have been made by the Board of Visitors, which I have good reason to believe are sound, but I cannot add anything to them, and I should not undertake to do it, in regard to Deer Island or the House of Correction in any particular. I am here to speak only in regard to the pauper institutions.

Ald. HALL. — Now, with reference to the evidence you say we have not heard and which you say would have assisted us very materially, I think there is enough on which we may proceed and the committee in its executive sessions can investigate anything further that you may suggest.

Mr. RILEY. — Oh, no.

Ald. HALL. — We have a perfect right to examine any evidence, whether it is presented here or whether we see fit to seek or find it. We are not limited to this hearing, you know. I have the right to see and investigate for myself, and that I do without reference to this hearing, altogether, and I have formed my conclusions to a certain extent, formed them as we have gone along.

Mr. BRANDEIS. — I understand that, Mr. Alderman. I stated at the outset that we were here to meet this committee.

Ald. HALL. — If you can suggest any evidence or anything you think we ought to look into or examine and take into consideration, I think I may say that we will consider your suggestions.

Mr. BRANDEIS. — As I say, we have felt, with the knowledge we had and with the rather careful investigations which we have made of the facts in the past, that an examination of the witnesses to whom I have referred and who have not yet testified at this hearing could be conducted by us perhaps better than by the members of the committee who are not so familiar with the facts. It is the difference, perhaps, between the judge examining the witness and the witness being examined by the counsel who has spent months in the preparation of the case, and we should, of course feel that the investigation which we made would contribute to the assistance of the committee.

Ald. HALL. — We should give you ample time but for the fact that we have only eight working days left, and, as I say, we feel that we must come to some conclusion or else invite criticism.

Mr. BRANDEIS. — Well, you understand, Alderman, that when I arose it was not to attempt to overturn a decision which you had formed after full deliberation. It was merely to suggest to you, as you have asked me now to suggest, that line of evidence which in my opinion would most conduce to a correct understanding of the case. It seemed to me that the respondents in this case had failed to produce witnesses — at least five men — who could both instruct and enlighten your committee and the public; that there are only three days left, as I understand it, for evidence, practically three days, and it seemed to me that those five witnesses would naturally, judging by the past, occupy the full three days. It seemed to me,

therefore, that the Commissioners, Dr. Rowe, and Mr. Babson, were the men who could contribute most to your knowledge and a correct understanding of the questions involved.

Mr. RILEY. — Mr. Chairman —

The CHAIRMAN. — For what purpose does Mr. Riley rise?

Mr. RILEY. — I rise because — you might as well keep cool, Mr. Chairman. They stumble who go fast. I rise for the purpose of answering an assertion of my friend Alderman Hall personal to myself. He said he regretted that I had —

CHAIRMAN. — Is this in relation to this case before the committee?

Mr. RILEY. — Yes, and personal to myself.

The CHAIRMAN. — Was the Chair in error when he heard Mr. Riley say that he withdrew from this case?

Mr. RILEY. — I think the Chair must have been beside himself and the Chair, too, if he understood anything of the kind. I think at the time referred to the committee had adjourned pretty rapidly without giving me a chance to be heard. Now, what you may have heard, what delusions you, in common with the rest of us, may be subject to, I know not and care not. Now, if you will permit me —

The CHAIRMAN. — If it is a fact that you propose to stay in the case the committee will hear you.

Mr. RILEY. — Of course. I didn't think I had got out of it.

The CHAIRMAN. — Go on, Mr. Riley.

Mr. RILEY. — Alderman Hall said he regretted that attack upon the committee. The Alderman is in error, and intensely so. I never made any attack upon this committee — far from it. What I did say was this, that I was sorry to see hearing after hearing proceeding in the absence of at least three-quarters of the Board. Now, the Alderman says that can make no difference, because the testimony is printed and can easily be followed. He is a lawyer, and therefore I would like to ask him these questions and get his answers. First: Should a Court or committee pass upon a case and form a judgment without seeing or hearing witnesses? I have always understood from my earliest teaching in the law that cold printed assertions amount to very little, unless, indeed, they be libellous, but they do not point the way in the discovery of truth, and generally they lead to error; and every lawyer who has been in practice long enough to try a case or present a case and examine witnesses in a court, knows that the only way to get at human testimony is to listen to the witness, hear what he says, watching while he is saying it, and watching closely the play of his features, and sometimes even noting the intonation of the voice, because that is the key to the truth or falsehood of what the witness may say. Next: Should not a quorum be present when every decision admitting or excluding evidence is rendered, or is that to be left to one or two members of the committee? How can printed testimony help that or cure any of the evidence when it is made? Next: Should this examination end without getting the personal testimony of the Commissioners of Public Institutions? In a word, should it end by going through the farce played by

the other side of calling half a dozen doctors and one or two others who have been on the island by special invitation, one of them, like Dr. Fitz, only thirty minutes, and another of them, like Dr. McCollom, I think, about two hours, and a third not much longer, everything having been prepared, the house in perfect order when they reached there, and they knowing nothing about the condition of affairs except during the minutes or hours they were there, when we could get at the inside of matters from their side by putting the Commissioners on the stand, hearing their story, and then subjecting them to cross-examination, if cross-examination be necessary? Next: Is it not of more importance to reach a correct decision than it is to reach a hasty one, especially in a case such as the one we are engaged in, involving the dearest and most precious things that human attention can be called to? Now, the Alderman has spoken of an attack upon individuals. I never understood that anybody was engaged in an attack upon any man or any set of men, and for my simple self I may say this — and everybody who knows me or anything about me will know it to be the exact and simple truth — that I should regard my efforts and my services here, however humble they may have been, as being an absolute failure if all they amounted to would be to displace one man or two men or three men, or one set of officers for the sake of getting another. Unless this investigation results in a radical change in the management of our institutions and in the care of the dreadful abuses, not to say crimes, that have been allowed, have been perpetrated, and I am sorry to say have not been eradicated yet — unless this investigation results in doing that, and nothing less than that, I shall regard my time as lost, and I shall look upon the whole thing as being an absolute failure. It has been said that enough of evidence has been presented to enable the committee to form a judgment and a correct one. I deny that, and I think you will see that I am standing on tenable ground when I make the denial. I understand that this investigation has been for the purpose of covering all the institutions under the direction of the Commissioners of Public Institutions. That includes, of course, among others, the Charlestown Almshouse and Marcella-street Home. Now, first in regard to the Marcella-street Home — that is a place for the care of tender children. We have not been allowed, we have not had a chance, to touch that institution yet, and yet this is as important as any. I understand that a very superficial investigation of that institution will show, among other things, that the children have been neglected, that they have not been supplied with underclothing or night-shirts, and, worse than all, that in some cases the toes of living children have been gnawed or eaten off by rats. Have you heard a word of testimony pertaining to that institution yet? Then in regard to the Charlestown Almshouse, an old house situated there, I think, by a swill dump. I understand that in that place, supplied by the city for the care of paupers, testimony has been attempted to be presented here which was excluded because I was told by the committee that the time had not yet come for it — testimony which some of the Aldermen have read in another part of

this building and which none of the Aldermen should be ignorant of, testimony going to show, that, instead of taking care of the paupers properly, the institution has been so loosely and so foully conducted that really it has been producing bastard children. I dislike very much to sully my lips with anything of the kind, but the truth forces me to it. I understand, too, that if you get at that institution you will find that no provision at all has been made for one of the things that to us wanderers on the face of the earth should be a most solemn thing — no provision for the care of the dead. The dead bodies have been taken out and ruthlessly placed in the entry, with no one to watch them except some of the poor old paupers, taking turns, and at times those bodies have been gnawed by rats. Now, I mention only a few things, and in the face and eyes of these things can you say, gentlemen, can any man say, that the committee has testimony enough upon which to base a correct conclusion? I deny it. What more? This I refer to as showing the utter, absolute, audacious defiance of public sentiment in connection with this investigation. It began nine months ago, and then it was well known, thoroughly ventilated, that in the House of Correction they have been placing in the food ovens, the filthy and vermined clothing that should have been disinfected, placing them side by side with the food, which shocked everybody, and I understand that somebody said it was the fault of the master of the House of Correction, and that if attention had been called to it a steam drum would have been supplied. Within a month we have been over there taking testimony, and the master of the House of Correction, as you know, Mr. Chairman, made the request of the committee to say nothing about that because they wouldn't contradict it, they would admit that that was the fact, and that that thing was going on still. Now, nine months have rolled away and a steam drum has not yet been supplied. Is the city of Boston too poor to do that? It was demonstrated at the beginning of this investigation and before, that the statutes of Massachusetts provided that in that institution a locked letter-box should be kept for the especial benefit of the prisoners and the convicts, so that those prisoners might communicate with the governor or with those in authority and have a hearing, without the interference of anybody. A locked letter-box has never been in that institution. At the beginning of this hearing they admitted that they had no such letter-box; during the hearing when the deputy was on the stand, he admitted that they had no such letter-box, and when I asked him why not, he said, "We think our system is better." "What," said I, "you believe yourselves above the solemn law of the Commonwealth of Massachusetts?" and the reply came again, "We think our system is better." And you remember what he said about the system—that a prisoner might ask him, and finally — and this gives the key to the whole thing, when I pressed the deputy in regard to that letter-box, "Well," said he, placing his hands in his pockets and straightening up and looking at the committee, "what good would that do?" Said I, "Why?" "Why," said he, "suppose a letter-box was there—"

The CHAIRMAN. — This is all a matter of evidence.

Mr. RILEY. — Yes, sir; but it is to illustrate my meaning — “suppose a letter box was there, who would have the key?” He knew the master of the House of Correction would have a key, and his meaning, as shown when he smiled, was that he knew the prisoners then wouldn’t be safe because of the key —

Ald. LEE. — Is that the question that you want Alderman Hall to answer?

Mr. RILEY. — Yes, sir; as a lawyer.

Ald. HALL. — Mr. Chairman, I am surprised at the attitude of the counsel. I know it is the practice in the criminal courts to require the attendance of witnesses, and that the witnesses be brought into the court, so that the Court may see the witnesses and be brought face to face with them.

Mr. RILEY. — And in the civil court, also.

Ald. HALL. — Not always; no, sir. I have prosecuted and defended in the criminal courts. I have practised in the civil courts, State and federal. In answer to the question the attorney asks me, it is the custom, it is the practice, and it is the common practice, the invariable practice, where a mass of evidence like this is to be passed on by the Court to have commissions appointed to take testimony, to take evidence, and it is the practice in the federal court and is the custom of the judges to review that evidence as it appears after it has been taken. In the federal courts the record, as it is called, sometimes occupies a thousand pages, sometimes 1,500 pages, and sometimes 2,000 pages — in patent cases especially. In cases before the Court of Appeals, for instance, the entire record, the entire evidence goes up, and it is the custom to take the evidence and to read it. Now, I do not understand, Mr. Chairman, that we are trying a criminal case here. I don’t understand that it is proper, fitting, or necessary for us to adopt the practice of the criminal courts. I do not speak of the criminal courts with disrespect, nor do I allude in that way to those practising in them, but it is not proper to adopt their procedure here. I do not believe the witnesses who have appeared here are perjurers, liars, thieves, or cut-throats. I do not believe they are men who are in the habit of appearing in the criminal court. I believe they have come here to give us such evidence as they can, to offer us such opinions as they can, and to assist us in this investigation, and I am sorry to see this investigation degenerate, as it seems to me it has degenerated into personal attacks and attempts to cast slurs. Now, the counsel has said, “Why not go on and investigate the Charlestown Almshouse and the Marcella-street Home?” We have just eight working days left. He does not ask the question in good faith. He does not mean what he says, because if we go on and investigate any more institutions what we have done will fall to the ground and this investigation will amount to nothing. We can make no recommendations, we can do nothing in the way of making a report, we will die at the expiration of our term of office, and this investigation, the whole of it, will amount to nothing; all the expense that the city has gone to will come to naught. I say that he does not ask that question in good faith or else he has not reflected.

Mr. RILEY. — May I interrupt you a moment?

Ald. HALL. — No, sir. I wanted to interrupt you a number of times, but I knew it would be disagreeable, and I know that your interruption will be disagreeable to me. Now, in regard to the investigation of these other institutions, I simply desire to say that time has been consumed by putting in cumulative testimony. I have read myself testimony that has been piled up upon the same point, the same issue, the same question, until my eyes have ached in reading this record. As to meeting living witnesses, and insisting on my sitting here and looking every witness in the face, I don't think that is necessary, and I think it is think it is impertinent to ask me such a question. The credibility of the witnesses is not in question here. They are not sworn, they are not under oath. It is not like an investigation in court—well, I understand that they have been sworn. I did not remember about that point, but it is not necessary to swear them in our committee hearings, it is not customary to swear them, and it is not important. It is simply a matter of opinion as to whether it be done or not. Now, a great deal of the material that has been put in here, great deal of the evidence that has been introduced, is entirely irrelevant and incompetent. We all know, we members of the bar know, that. Now, what I complain of, what I find fault with, is this language of the counsel:

Not many members of the committee have been present during the many hearings we have had, and I must say that it has always been a puzzle to my simple mind, because even with my little experience at City Hall I have noticed that whenever a financial problem was here for elucidation, whether a railroad or a bank or anything of that kind, there was always a full meeting of the Board.

And banks never come before the legislative branch of the City Government.

Mr. RILEY. — Fortunate for the banks.

Ald. HALL. — I did not hear that remark of counsel.

Mr. RILEY. — I say fortunate for the banks.

Mr. HALL. — Mr. Chairman, the gentleman has said he did not mean any reflection on the committee. I simply desire to say that the innuendo and slur is characteristic of him. It is his nature and he cannot help it. It is accepted from the source whence it comes. I want to say this, as a member of the bar, that his standing as a lawyer and his attitude in the courts is entirely in keeping with what his attitude is here.

Mr. RILEY. — I don't mind taking that from you.

Ald. HALL. — Then he goes on to say: "There seems to be something in this bank-note world of ours that attracts a full meeting whenever money is at stake," etc. I will not weary the committee with reading any more of that passage in his remarks. I regret, Mr. Chairman, that I should be called upon to restate in any way my position or to make any further criticisms or comments. I was led into it. The attack came from the counsel, and I disclaim any personality. I do not care two straws about the matter. It makes no difference to me what the counsel says. I am here for the purpose of investigating the institutions. My

term of office has not expired, and I hope to make some recommendations here. Whatever part I take in the investigation will be taken fearlessly and according to the light I have received and the judgment I can form, and my conclusions will be sincere. I hope that the material I may have had upon which to base a decision will be sufficient to base a fairly correct one upon; but I do resent, and resent emphatically and earnestly, any imputations such as the counsel has seen fit to make. I submit now, Mr. Chairman, that this part of the case has gone on far enough and I do not desire to say anything more upon it.

Ald. LEE. — Mr. Chairman, there is one thing in Mr. Riley's remarks that has not been referred to. While I submit that he may be well posted probably in the criminal laws of the Commonwealth and also the civil laws of the Commonwealth, as well as in the code of laws of the United States, I want to say, Mr. Chairman, in this committee, that his judgment upon parliamentary law is the poorest and flimsiest I have ever heard uttered by an intelligent man who has been before deliberative bodies. The idea, Mr. Chairman, of the learned gentleman getting up here before the committee and criticising it because a quorum is not present. Why, Mr. Chairman, it would be well for him to ask of the clerk, or of you, if the committee have not in their province or their power, the right, when a quorum is present, to instruct the chairman that one or two members, or even the chairman himself, may constitute a quorum of this committee and go on with the business — which has been done. Therefore, Mr. Chairman, it seems to me that to allow that to go into the records without being refuted, would mislead those who may read it hereafter. I don't believe there is any gentleman who has had the privilege of being in a deliberative body and appointed upon a committee but what knows they have the right to designate how many members of that committee will constitute a quorum? Far different though it may be when we sit here in this Board as members of the Board of Aldermen or come in with our report as County Commissioners. The charter of the municipality then states that a quorum must be present for the transaction of business, and it states just exactly what the quorum shall be, but that, if a quorum is not present, the presiding officer may have the right to adjourn from day to day. Now, I don't think Mr. Riley intended to say that we did not have the power, did not have the right.

Mr. RILEY. — I stated the fact.

Ald. LEE. — Then you did not know what you were talking about.

Mr. RILEY. — Yes, sir, I did. I stated the fact.

GEN. M. T. DONOHUE. — *Sworn.*

Q. (By Mr. REED.) You have been sworn, General, haven't you?

A. I have.

Q. You are the Clerk of the Board of Commissioners of Public Institutions?

A. I am.

Q. And how long have you served in that capacity?

A. Since the 1st of July, 1887.

Q. Is your title Clerk, or Secretary of the Board?

A. Secretary, now sir.

Q. You keep the records and are charged with their custody?

A. I am.

Q. Is the book which you have there the book of records — of proceedings of the Board?

A. Yes, sir.

Q. Does it cover the month of June, 1891?

A. It does.

Q. Will you tell me if you can find there a record of the appointment of Dr. Newell and Commissioner Devlin as a committee to draft rules for the guidance of the Board?

A. What date, please?

Q. June 3, '91?

A. There is a record here: "Voted, That Messrs. Newell and Devlin be appointed a committee to prepare rules and regulations for the government of the Commission and report at a subsequent meeting."

Q. On the 5th of July, 1891, do you find that the question of Mr. Brown's salary was referred to Dr. Newell?

A. The date, please?

Q. June 5, '91?

A. No, sir. According to this, July 5, '91, would be on Sunday. The 4th of July was on Saturday, according to this book.

Q. Well, do you find that such action was taken there at all at any time?

A. There is a vote here in relation to George H. Brown, clerk of the House of Correction.

Q. That is the matter that I refer to.

A. July 11, '91.

Q. Probably I was mistaken in the date here?

A. There are two references on Saturday, July 11, '91, to George H. Brown. "The application of Frank E. Ryerson and George H. Brown for the position of clerk at office were placed on file."

Voted, That George H. Brown, clerk at the House of Correction, be transferred to the position of registry clerk in this office, vice Fuller resigned, the salary to be \$1,300 per annum.

Q. Do you find on the 14th of July any reference to Commissioner Newell, any matter referred to Commissioner Newell?

A. No, sir.

Q. July 17?

A. "Application of John B. McGarigle, gateman at the House of Correction, for increase of salary, was referred to Dr. Newell."

Q. What is the date?

A. Friday, July 17, '91.

Q. July 18, the following day, do you find any matter referred to him there?

A. No, sir.

Q. Anything on the 19th?

A. The 19th was Sunday.

Q. Anything on the 20th?

Q. No, sir.

Q. The 21st?

A. No, sir.

Q. Do you find anything more in July referred to him?

A. No, sir.

Q. Will you turn to the 18th day of August?

A. Yes, sir; I have got the date.

Q. At the meeting on that day was any subject referred to Dr. Newell?

A. "A communication from Mrs. Alice N. Lincoln, recommending the appointment of a trained nurse (Miss Hogan) at Rainsford Island was referred to Dr. Newell."

Q. Any record of any report on that communication?

A. I don't know, sir.

Q. Do you find on the 21st day of August a reference to Dr. Newell of any matter before the Board?

A. Friday, August 21, '91 a request of the superintendent of the Home for Paupers for an additional horse was referred to Dr. Newell."

Q. Was there any action taken in the meeting on that day in regard to trained nurses?

A. August 21?

Q. Yes, sir?

A. No, sir.

Q. Return to August 24 — is there any reference there to the matter of trained nurses?

A. "A communication from Mrs. Alice N. Lincoln relating to trained nurses for Rainsford Island was referred to Dr. Newell."

Q. Have you any record of a report?

A. There may be, sir; I have no recollection of it — I couldn't remember that.

Q. On the 14th day of September?

A. "Voted, That the question of employing additional nurses and watchmen at Home for Paupers was referred to Dr. Newell for investigation and report."

Q. Can you point me to the place in the book where the report was made?

A. I cannot.

Q. Do you have any recollection of the filing of any report on that subject.

A. I have no recollection of it; no, sir. It is hardly probable that I would remember everything in that book.

Q. That was the 14th of September?

A. Yes; sir.

Q. Will you turn to the 17th of October?

A. Yes, sir.

Q. Do you find any matters referred to Commissioners Newell on that day?

A. No, sir.

Q. What date have you?

A. October 17th.

Q. Any day either immediately preceding or following?

A. Monday, October 19, '91, it was "Voted, That the subject of discharge and reinstatement of Officer James White be referred to Messrs. Newell and Devlin."

Q. That is the 19th of October?

A. The 19th of October; yes, sir — Monday.

Q. On the 27th of October was there any reference made to Dr. Newell?

A. On what date, please?

Q. The 27th of October?

A. No, sir.

Q. Do you find anything immediately preceding or following that date? Do you find the matter of Mr. Morrill's discharge?

A. On November 10, '91, I find — "Voted, That the superintendent of Deer Island be instructed to reprimand Officer Morrill (printer), and restore him to duty."

Q. Do you find any communications previous to that in your record upon which that action was based?

A. (Referring to book.)

Q. Will you read that?

A. October 28, I find "A communication from the superintendent of Deer Island reporting the suspension of A. C. Morrill, printer, for the good of the service, was referred to the chairman and Dr. Newell."

Q. Do you find on the 11th day of November any communication which was referred to Dr. Newell?

A. November 11, '91, "A communication from the superintendent of Home for Paupers for detail of carpenters from House of Industry to work on the hospital, was referred to Dr. Newell. A communication from the superintendent of Deer Island reporting the intoxication of Receiving Officer Spalding was referred to the chairman and Dr. Newell," the same date.

Q. Both on the 11th?

A. November 11th.

Q. Now, turn to the 13th?

A. I have got it.

Q. Do you find any reference there to Dr. Newell?

A. I think not.

Q. Turn to the 14th?

A. Nothing there in relation to Dr. Newell, sir — nothing referred to him.

Q. Do you find on the 16th any communication referred to or any report made by Dr. Newell?

A. "Voted, That Dr. Newell be appointed a committee to propose a suitable person to be employed as messenger at this office."

Q. What is the date of that?

A. November 16.

Q. Don't you find anything referred to Dr. Newell there excepting that, on that date?

A. No, sir. Mr. Devlin made a report that date.

Q. For whom was the report made, for what committee?

A. I don't remember exactly — I think it was the committee to examine the accounts at Deer Island. That is the subject of the report, anyway. I don't know when it was made.

Q. Do you know what order that report was based on?

A. I don't know whether it was based on a communication or not. I couldn't tell without going back over the book, but the substance of the report brings to my mind that it was a report following either a communication or a discussion in the Board relating to the method of keeping accounts at Deer Island.

Q. Isn't that a report in reference to the furnishing of convict labor to the contractors?

A. Yes, the labor furnished the Nation Construction Company.

Q. And cannot you find the reference of that matter to Mr. Devlin and Dr. Newell?

A. I suppose I can if it is here (examining). It does not seem to be here.

Q. Where is that report on the convict labor and the accounts at Deer Island?

A. There it is.

Q. Will you read the vote of November 13?

A. In relation to what? There are two votes — "Voted, That a committee be appointed to ascertain from the superintendents of institutions their methods of keeping the accounts of labor and material furnished to any person or persons doing work on Deer, Long, and Rainsford islands, and by what authority such material and labor have been furnished, the committee to report to the Commission. Messrs. Devlin and Newell were appointed."

Q. (By the CHAIRMAN.) Will General Donohoe please read that once more? I could not hear it.

A. (Reading the vote again.)

Q. (By Mr. REED.) Now, will you read the report to which you have referred — that portion relating to the contract labor — on November 16?

A. The third paragraph of the report says:

The committee recommend that the superintendent of Deer Island be directed to inform the Commissioners why the books are not kept up so far as labor is concerned that has been and is being furnished the several parties who have employed them; that in the future the roll of men detailed for work shall be called morning, noon, and night, by an officer detailed for that purpose, who shall take charge of the men to and from the work, and that the list shall be returned to the clerk, who shall make an entry daily of the men so employed; that until otherwise ordered no further work be done on the line of the sewer except such as is paid for by the contractor. The committee found on Long Island a bricklayer and a hod-carrier at work on the hospital who were taken from the men from Deer Island; the superintendent said he had no authority from any one to allow this and did so on his own responsibility, thinking he had the right to do the same as the superintendent at Deer Island; we found that the superintendent was furnishing coal, milk, and labor to the contractor who is building the hospital, charging the same to him. We recommend that the superintendent of Home for Paupers be directed that no men detailed from the House of Industry to do the work on Long Island shall be diverted from the purposes for which they were detailed, without an order from the Commissioners.

Q. What became of that report? What disposition was made of that report?

A. The report was accepted and the recommendations were adopted.

Q. Do you find on that same date the reference of the matter of a messenger?

A. Yes, sir; I read that a few moments ago.

Q. That is the record which you have read. Do you find on the 4th of January following any matter referred to Dr. Newell?

A. Monday, January 4, '92, the complaint of Charles Davies, an inmate of the House of Correction, was referred to Dr. Newell.

Q. Do you find anything on the 9th of that month?

A. January 9, '92:

Voted, That the complaints of certain prisoners against Miss Jennie Baker, a matron at Deer Island, be referred to Messrs. Newell and Devlin for investigation and report, and that the superintendent be directed to suspend the matron pending the investigation.

Q. On the 28th of July, '91, who was acting chairman of the Board?

A. Tuesday, July 28, '91, absent, Dr. Jenks. Dr. Newell chairman *pro tem*.

Q. And how is it on the following day?

A. Dr. Newell presided. Dr. Jenks was absent.

Q. And on the day succeeding that?

A. The same. Dr. Jenks was absent on the 28th, 29th, and 30th.

Ald. LEE. — Well, what was done on those days, if he was chairman? How was it — a stand-off with Mr. Devlin against him? I would like to know.

Mr. RILEY. — So far Dr. Newell seems to have run the Board.

Ald. LEE. — It seems so, and I wanted to find out how he got on.

Q. What was the business as shown by the minutes?

A. "Tuesday, July 28, '91, absent, Dr. Jenks. Dr. Newell chairman *pro tem*. The records of the previous meeting were read and approved. Circular No. 59, Mayor's office, was placed on file. Permits to be at liberty were granted to Cornelius Sullivan from the House of Industry; Marks Tillhusky from Truant School; Martin Halloran from House of Reformation. "Wednesday, the 29th," absent, Dr. Jenks. Records of previous meeting were read and approved. Permit to be at liberty was granted to John McDonald from House of Reformation. "Thursday, July 30," absent, Dr. Jenks. Records of previous meeting were read and approved. The use of steamer "Bradlee" was granted August 7 to the Boston Bar Association on request of His Honor the Mayor. A communication from L. M. Haskins & Co., about loss of package of fish, was referred to the superintendent of Home for Paupers for investigation and report."

Q. (By Mr. REED.) Now, January 19, '92?

A. "Tuesday, January 19, '92, absent, Dr. Jenks. Dr. Newell presided. Record of the previous meeting read and approved."

Q. Now, general, how was it on the following day? Who was the president?

A. Absent, Dr. Jenks. Dr. Newell presided.

Q. Now, the next business —

A. January 21.

Q. Who presided that day?

A. Dr. Newell.

Q. What is the next date?

A. The 22d.

Q. Who presided that day?

A. Dr. Newell.

Q. What is the next day?

A. The 23d, Saturday. Dr. Newell presided.

Q. What is the next date — the 25th?

A. The 25th. Dr. Newell presided.

Q. The next date?

A. The 26th.

Q. Who presided that day?

A. Dr. Newell.

Q. What is the next date?

A. The 27th.

Q. Who presided that day?

A. Dr. Newell.

Q. What is the next date?

A. The 28th.

Q. Who presided that day?

A. Dr. Newell.

Q. What business was transacted that day?

A. The records of previous meeting were read and approved. A communication from superintendent of the House of industry reporting changes of employees was referred back to superintendent for fuller information. A communication from the City Architect relating to the furnishing of coal to the contractor at Long Island was placed on file, and it was:

Voted, That the superintendent of Home for Paupers be directed to furnish the contractor at the new hospital at Long Island with coal required; to keep a correct account of coal delivered and to make monthly bills at the cost price for same.

Q. Dr. Jenks was absent that day and Dr. Newell presided, I understand you?

A. Yes, sir.

Q. What is the next date, general?

A. The 29th.

Q. Who presided that day?

A. Dr. Newell.

Q. What is the next date?

A. The 30th.

Q. Who presided that day?

A. Dr. Newell.

Q. What is done with the requisitions, generally, that are sent to the office from the different institutions?

A. They are pasted in a book, filed that way.

Q. They are not destroyed, are they?

A. They are not.

Q. All preserved and kept in the office?

A. They are.

Q. Do you remember in 1891 of the transfer of a balance of your appropriation to the new hospital at Long Island?

A. There was a transfer made at or about the close of the year '91 — there were three transfers, I think, made to the new hospital, amounting to \$35,000. There was \$25,000 from the appropriation for public institutions, \$5,000 from an appropriation made some time previous to the purchase of a steam-launch, and \$5,000 that had been appropriated that year or the year previously for a telephone connection, I think. I won't be sure about the last, but there was \$35,000 transferred in that year, I should say in December some time.

Q. Now, that was a transfer to the new hospital at Long Island and not to the sinking-fund?

A. It was a transfer yes, sir. There would be no transfer to the sinking-fund.

Q. It didn't go into the sinking-fund, then?

A. No.

Q. I want to know where it went?

A. This \$35,000 went to the new hospital on Long Island. Those transfers are usually made, if there is any transfer to be made, as soon as it can be found out that we have any money to transfer, and that would be somewhere in the neighborhood of the first or second week in December.

Q. Now, who supplies the offices that the Commission occupy?

A. Supplies what?

Q. The furniture—desks, and so on?

A. The superintendent of Public Buildings.

Q. Who provides the waiting-room?

A. The superintendent of Public Buildings provides everything in the way of chairs, desks, furniture, and conveniences, soap and towels.

Q. Well, you have been connected with that office a good many years, haven't you?—how many deaths did you ever know to occur in that waiting-room since you have been there?

A. But one.

Q. Did Dr. Newell ever make a suggestion to you that your records were incorrect and show you wherein they were incorrect when you have refused to make them correct?

A. Never. Neither one nor the other. I don't think he ever asked me—I certainly didn't refuse him.

Q. Did Dr. Jenks, when going away, leave passes with you signed in blank to be used during his absence?

A. I think not.

Q. Did you have the power to sign passes yourself?

A. I did.

Q. What does your Board have to do with making the contracts for new buildings?

A. As a Board nothing about making the contracts.

Q. Who makes those contracts?

A. The City Architect.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) General Donohoe, what books do you keep for the Commissioners?

A. I keep the books, the records of their meetings, and the letter book is in my possession, too.

Q. What other duties have you to perform for the Commissioners besides the keeping of these books -- which I suppose fills a very small part of your time?

A. Well, I do the duties that any secretary would do for any such Board. When directed to send a communication to anybody for any purpose I write the letters, transmit the orders, sometimes verbally, and sometimes by letter, to the different superintendents and to people with whom they have business in anyway.

Q. Who has charge of the book-keeping in your office?

A. At that time Mr. Francis W. Knowles had charge. He is now deceased.

Q. You mean in 1891?

A. Yes, sir.

Q. Well, who has had during the other years?

A. Up to, I think, September 1, Mr. Knowles was the clerk of books and accounts.

Q. '94?

A. And before. He was there when I went there.

Q. Well, who knows about the receipts and expenditures in your office?

A. Well, anybody can find out. The books are there.

Q. Well, can you find out?

A. Oh, yes, sir.

Q. You know about the work that has been done at Rainsford and Long Islands in pursuance of the recommendations made by the Board of Visitors to correct the absence of fire appliances, don't you?

A. Well, I couldn't recall what they were.

Q. Well, but you know that there were things done, upon recommendations of Chief Egan, which the visitors embodied in their report of February 16, '94 -- you remember those, don't you?

A. I remember that there were recommendations. What they were exactly I don't know.

Q. And that there were such recommendations both as to Long Island and as to Rainsford Island, don't you?

A. I think so.

Q. And you know that in pursuance of those recommendations considerable changes were made and appliances provided for Rainsford and Long Island so as to obviate the dangers from fire which Chief Egan and the Board of Visitors through him pointed out?

A. I know there were changes made, but whether they were made altogether upon the recommendations of Chief Egan or anybody else I am not ready to say.

Q. Well, they were made this year?

A. Oh, yes.

Q. Made after Chief Egan made his report, February 16?

A. They were.

Q. Now, can you tell us from the books what the expense of providing these fire appliances and making the changes at Rainsford Island was?

A. By referring to the books I can; yes, sir.

Q. Well, have you the books here?

A. Oh, no, sir.

Q. Well, could you produce them at the evening session?

A. Why, yes, I presume I could, but I question whether I could pick them out. They would have to be picked out of various columns and out of the bills. It would be much easier to find it from the Auditor's office, from the bills there. They are put on our books, but the details of the bills are not kept on our books.

Q. Well, don't you annually, in making up your report, getting up data showing expenses, give it by various items?

A. No, sir; not by items.

Q. Well, the Commissioners' report shows almost everything by items, doesn't it? Where do you get these data — you don't make them up in your own office?

A. Oh, yes, sir, from our bill books.

Q. You therefore must keep books in such a way as to show what the expense would be on various accounts?

A. Oh, yes, it can be picked out, but when you speak of the evening session I say it will take some time to do it. That is what I mean.

Q. If you can do it this evening I would like to inquire in regard to that, and would also like to inquire from you, if you have the books here with you, in regard to the expense attendant upon the reservoir which has recently been put in operation at Long Island. Perhaps you know that?

A. I don't know that exactly. The bills for that, I think, some of them, are not paid. There are some of them in the present draft — the expense for cement.

Q. And I should like to ask you in regard to the expense of the various other improvements and appliances at Long Island during the last nine months — that is, since the Visitors' Report — if you will kindly have those books here.

A. Would you like it in detail?

Q. Well, would prefer the information in a lump with the ability to verify it in detail.

A. Perhaps I can say to you that we have all our expenditures classified in the manner which you see in the report there. That amount I can give very readily, because we have it footed up from month to month, and now that the last thing is put in I can give it to you. From that we can refer to the different bill books, the dates, and get the details. It can be done, of course, but not in an hour.

Q. If you have the books here I think the questions which I wish to put to you, you could readily answer. It is mainly in the lump that I want to ask about, but I should like to have the ability to following the details from the books, if you will kindly bring them.

A. I will bring the books; yes, sir.

Q. I would like to suspend the examination until you bring the books — you understand what I want, general?

A. I think you want the books — the amount of money expended in improvements at Long and Rainsford islands for the past year up to this time?

Q. Yes, that would give it. Whatever would be necessary to enable you to answer those questions — you know and I do not.

Mr. REED. — You cannot answer that in a general way now, can you?

Mr. BRANDEIS. — He has stated that he cannot.

Q. (By Ald. LEE.) All paid on bills, are they?

A. Paid on bills. The reservoir bill was very easy, because the practical cost of that was only the cement and the tools.

Q. (By Mr. REED.) Do you have in mind approximately what that cost was?

A. I don't know how large it was in amount. There were 500 barrels of cement, 300 barrels at \$1.25 and two hundred at \$1.00, and several thousand bricks at \$8 a thousand.

Q. (By Mr. BRANDEIS.) Well, you will have the books here so that I can continue the examination later?

A. Yes, sir.

(The committee at 6 o'clock P.M. took a recess to 7.30 o'clock P.M.)

EVENING SESSION.

The hearing was resumed in the Aldermanic Chamber at 7.30 P.M., Chairman HALLSTRAM presiding.

J. ALFRED MITCHELL. — *Sworn.*

Q. (By Mr. REED.) Your name, please?

A. J. A. Mitchell.

Q. And what position do you hold?

A. Chief clerk in the Auditing Department.

Q. And have you there the books showing the transfer in 1891 to the appropriation for the new hospital on Long Island?

A. Yes, sir.

Q. What was that transfer?

A. There was \$25,000 from the regular institutions, appropriation, \$5,000 from the House of Correction, and \$5,000 from steam-launch, making \$35,000 in all.

Q. And that was transferred to the appropriation for the new hospital at Long Island, was it not?

A. Yes, sir.

Q. Have you with you the bill for two tanks or drums for the Home for Paupers?

A. Yes, sir.

Q. What was the date of that bill?

A. December 21, 1891.

Q. And for how many of those articles?

A. Two.

Q. And what is the price?

A. One hundred and thirty dollars altogether.

Q. And how is it divided up?

A. Sixty dollars apiece for the two tanks, \$120, and two top safety valves, \$10; making \$130.

Q. Is that a transcript of the appropriations for permanent improvements? (Handing paper to witness.)

A. Yes, sir.

Q. From 1852 to February, 1894?

A. Yes, sir.

Mr. REED. — This bill and transcript, I offer in evidence, Mr. Chairman. That is all.

(For bill and transcript see exhibits "T" and "U.")

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Mitchell, can you give us the cost of the recent fire appliances which have been put at Rainsford and Long island?

A. I cannot at this moment; no, sir.

Q. Well, have you the books, so that you can get it?

A. I can look up the bills and see if I can find them.

Q. Well, is that a matter of any time to get?

A. Well, they were not done by contract. There may be several items. I think I can remember one bill for hose, and so on; and there were other bills for such things as that.

Mr. BRANDEIS. — Mr. Reed, who will be the better able to produce them — Mr. Donohoe or Mr. Mitchell? This is a matter that I asked Mr. Donohoe about.

Mr. REED. — Well, I should say that it would be certain that Mr. Mitchell could do it.

Mr. BRANDEIS. — Well, have you any doubt as to General Donohoe being able to do it?

Mr. REED. — Well, it might take General Donohoe longer. I think that is what he is at work on now.

Mr. BRANDEIS. — Well, if he is at work on that now, I won't delay Mr. Mitchell any longer.

Q. (By Ald. LOMASNEY.) Just a moment, Mr. Mitchell. Do you remember that error in the appropriation or the mistake of the Commissioners in regard to not having sufficient money that occurred here last summer for one of the buildings out at Austin Farm?

A. The date?

Q. Do you remember the fact that there was?

A. I remember that there was a shortage; yes, sir.

Q. What building was that?

A. The building at Austin Farm.

Q. What was the cause of that shortage? How did it come about?

A. Well, the contracts were more than the appropriation.

Q. Did they make contracts in excess of the appropriations?

A. Yes, sir.

Q. That is contrary to the ordinances?

A. Yes, sir.

Q. Did the Auditor's office approve those bills?

A. He didn't approve bills in excess of the appropriations, but —

Q. He didn't?

A. No, sir.

Q. Well, what is customary? Does the Auditor's office pay contractors without in every case having the Commissioners certify along with the City Architect the correctness of the bill?

A. As a rule the architect certifies to the Commissioners, and the Commissioners draw the draft for him.

Q. They draw the draft?

A. Yes, sir — or request a draft of the Auditor; make a request for it.

Q. Well, have there been any bills paid without that being done?

A. At the time when the buildings were first started the Architect made the certificate himself without the Commissioners making a requisition for it.

Q. About how much money was paid on those buildings without the Commissioners' approval or on the certificate of the Architect?

A. That I cannot tell without looking it up. I can tell very readily.

Q. You remember there was some?

A. Yes, sir.

Q. Is that contrary to the ordinances or contrary to the custom? Which is it — ordinance or custom?

A. Well, where a department does their own work they make the requisition. In the case of school-houses, etc., the Architect has complete control; and in this case he started in that same way until corrected by the Auditor.

Q. The Auditor compelled the City Architect to secure the approval of the Commissioners before he did it?

A. Yes, sir.

Q. Now, relating to that matter of last year, do you remember what the cause was of that shortage — why it was that there was that deficiency?

A. Do you mean what excuse was offered for it?

Q. Yes, sir.

A. I believe the Architect didn't take into account the money that had been paid for land.

Q. Well, isn't every head of the department compelled to keep a book by the ordinances in which a record shall be made of all contracts?

A. The Auditor has nothing to do with that, sir. The Auditor makes a record of all contracts.

Q. Well, as a matter of fact, the auditor's office approves of the bills?

A. Yes, sir.

Q. And they require that the bills shall be contracted and paid according the ordinances?

A. Yes, sir.

Q. Well, don't the ordinances provide that the heads of departments shall keep a book in which shall be entered the contracts entered into by that department?

A. I don't know that it mentions contracts. I believe it says that each department shall keep a set of books.

Q. Well, I will read this section to you:

"Every officer or board in charge of a department shall keep records of the acts and doings of the department, in books kept specially for the purpose, including a book in which he shall record all contracts and all changes and alterations made in contracts or specifications for work and materials furnished for said department, and files of its papers," etc.

Now, whose fault was that that was not included in the estimate for the new building?

A. I don't know. The Auditor didn't make the estimate and I know nothing about it.

Q. Well, you have all the papers in connection with the estimates in that case, haven't you?

A. No, sir.

Q. Where are the papers in connection with it?

A. That I don't know. Whenever one of the departments wants to get an appropriation it sends a petition to the City Government for it. It is then referred to the Committee on Finance, and they present the report to the government and find the means.

Q. The cause of the deficit was that the price of the land was not included in the estimate?

A. That, I understand, was the Architect's excuse.

Q. And bills were contracted in excess of the appropriation?

A. Contracts were made in excess of the appropriation; yes, sir.

Q. And were they approved by the Auditor, by the Mayor, and by the other officers?

A. The Auditor didn't approve any bills in excess of the appropriation made.

Q. Were they approved by the Commission?

A. The contracts?

Q. Yes, sir?

A. No, sir. They were made by the City Architect.

Q. He approved the contracts?

A. Yes, sir; he signed the contracts.

Q. He signed the contracts, and the Mayor approved them, in excess of the appropriation?

A. Yes, sir.

Q. And that was a direct violation of law?

A. Yes, sir.

Ald. LOMASNEY. — That is all.

Q. (By Mr. RILEY.) That is, Mr. Witness, this provision of the law was broken:

No officer or board in charge of a department shall, unless specially authorized thereto by statutes, make any expenditure or incur any liability on behalf of the city for any purpose or object, until an appropriation sufficient to meet such expenditure or liability, together with all other expenditures and liabilities, which he or it proposes to make, and which are properly chargeable to the same appropriation, has been made therefor.

That provision of law was broken?

A. Yes, sir.

Q. And by whom?

A. Well, the Architect was the man who made the contracts. The ordinances provide that he shall make them.

Q. Now, how much money was paid out on those contracts without the approval of the Commissioners of Public Institutions?

A. I cannot tell you now; but I could tell you.

Q. About how much, at a rough guess?

A. I couldn't say now.

Q. Did it run up into the thousands of dollars?

A. Yes, sir.

Q. Many thousands?

A. Quite a number, I should say.

Q. And how much was the deficiency?

A. That I don't remember the exact amount of.

Q. It was running anywhere from \$50,000 to \$60,000?

A. I think about \$50,000, sir.

Q. And that was done this very year, was it?

A. That was this year; yes, sir.

Q. If you should come here again — and I think Brother Brandeis asked you to come again and bring some papers — can you just as well as not bring us up any documents you have showing the price paid by the Commissioners for butter sent to the institution?

A. Yes, sir. What particular date do you wish?

Q. Well, I would like to see, say, a bill for each month of the years 1891, 2, and 3.

A. Yes, sir; from any particular institution?

Mr. RILEY. — Well, I think it makes no difference to me. I think they were all treated alike. Perhaps Long Island and Deer Island would be better.

REDIRECT-EXAMINATION.

Q. (By Mr. REED.) Mr. Mitchell, I understand you to say that the Auditor has violated no provision of law?

A. Yes, sir.

Q. Then, as a matter of fact, there was no actual deficit in money?

A. No, sir.

Q. Whatever this deficit was, as it has been termed, was on paper?

A. Yes, sir.

Q. Contracts had been made by the Architect in excess of the amount appropriated by the City Council for that purpose?

A. Yes, sir.

Q. That is the situation?

A. Yes, sir.

Q. (By Ald. LOMASNEY.) And, Mr. Mitchell, the contract had been approved by the Mayor, and the city was liable, according to those contracts, were they not, and had to provide the money?

A. Well, I suppose if the work was done they would have to — if the contract was carried out.

Q. Well, they were bound by the contract, which was made in legal form? They were bound, and could be held to carry out the provisions of the contract; and as a matter of fact the City Government did provide the money?

A. They provided the money; yes, sir.

Q. And the Mayor and the City Architect, in your opinion, were the ones to blame for that deficiency?

A. No, I don't say so.

Q. Who were the ones that were responsible?

A. That is not for me to say.

Ald. LOMASNEY. — That is all right. I don't care for you to say,

Q. (By Mr. REED.) Mr. Mitchell, of course you are not a lawyer?

A. No, sir.

Q. And you don't mean to say that, as a matter of law, the city would be liable on any contract made in excess of the appropriation provided by the City Council for that purpose?

A. I don't know anything about the liability.

Q. You have a copy of the contracts in your office?

A. Oh, yes, yes, sir.

Q. Well, have you ever noticed a provision in those contracts that the city shall not be liable in excess of the appropriation for the purpose?

A. It says so, yes, sir, in many contracts.

Q. (By Ald. LOMASNEY.) Well, did it say so in this contract, Mr. Mitchell?

A. That I don't know.

REDIRECT-EXAMINATION.

Q. (By Mr. RILEY.) This is not clear to me just yet. Why was money paid out on the contract mentioned without the approval of the Commissioners of Public Institutions?

A. Well, because at that time the Auditor was in the habit of letting the Architect certify, as he did in all other things; but as soon as he discovered that a request was not made by the Commissioners of the Public Institutions, he required it.

Q. So that that transaction, at least, was irregular?

A. Well, it is not the way we do it now.

Mr. RILEY. — That is all.

ANDREW J. BAILEY. — *Sworn.*

Q. (By Mr. REED.) Your name is Andrew J. Bailey, and you are the City Solicitor of the city of Boston?

A. That is my name and occupation.

Q. You were the City Solicitor in 1892, were you not?

A. Yes, sir.

Q. And in that year you were aware that the Mayor had appointed a special committee to make an investigation of the public institutions, and that Mr. Frank Morison was chairman of that committee, were you not?

A. Yes, sir.

Q. Now, do you remember that in the course of the performance of their duties under the appointment, that committee and the Commissioners of Public Institutions discussed the question as to the authority of the Commissioners of Public Institutions to compel labor by the paupers?

A. Yes, sir.

Q. And were you called in to that discussion by those gentlemen?

A. I think I was a pretty essential part of it.

Q. And is it a fact that those gentlemen, together with yourself, worked up on a contemplated law which they were to ask the Legislature for, to give additional power?

A. Mr. Morison and myself worked on it for some time.

Q. And were you in consultation with the chairman of the Board of Commissioners during that time upon that subject?

A. Certainly. He was with us a good deal of the conference.

Q. But the Legislature of either 1892 or 1893 — I think the Legislature of 1893 that followed — took no action on that matter?

A. Not that I recollect of.

Q. And was your bill, or Mr. Morison's bill, in shape to present to the Legislature?

A. We never formulated it to the end. That is, what I would suggest inserting was not what he wanted to effect; and what he suggested I could not see the legal way of meeting. The result was we never got to any conclusion.

Q. Well, you remember that at that time Mr. Morison obtained from Mr. Babson, the Corporation Counsel, an opinion upon this subject?

A. I think he did at that time. I know it was talked over in the office a good deal by Mr. Babson and myself and by Mr. Morison and Dr. Jenks.

Q. Well, some action has been taken since that time to obtain legislation on this subject. Now, when was that legislation asked for at the Legislature — at this last session?

A. 1894, this last session.

Q. And a bill was presented, was it not?

A. It was. The Mayor gave Mrs. Lincoln a letter to me, I think, asking me to see what I could do to draw a bill such as would meet her ideas in regard to it; and it was taking up the same subject that we had been considering in 1892. The result was the bill which we presented to the Legislature, and I think it was substantially the one reported. The bill was drawn up and presented to the committee of the Legislature, and I suppose it would go through of its own accord, but instead of that they sent word to me that they would like to hear from me upon it. I appeared before the committee and gave my reasons why it should be passed.

- Q. Did the committee report the bill?
 A. The committee reported the bill.
 Q. And do you know what became of the bill?
 A. It was defeated.
 Q. Defeated in the House?
 A. Defeated in the House; yes, sir.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Bailey, this matter of the legal authority of the Commissioners to enforce labor at Long Island was a subject that was discussed between you and Mr. Morison in 1892?

A. It was.

Q. It was brought to your attention by Mr. Morison?

A. It was.

Q. Was that the first time that the subject had ever been considered in your office?

A. I think it was except that I remember that some time before that it came up incidentally in a conversation between Dr. Jenks and myself.

Q. Merely as an incidental discussion, was it?

A. Well, it came up in this way, I think. I think the doctor wanted some way in which he could prove certain things that took place down at the island or in the institutions. He wanted to know if some law could not be devised by which he could prove the things that took place there without having the whole force brought up into the court. That is, for any little offence that took place at the institutions that he wanted to prove was a violation of law, something that had taken place against the rules of the institution, he had to prove his rules, by the officer in charge, and then had to show that the prisoner had violated the rules. He said it was a pity that they had to go to so much trouble, and it was because of the complaint that he made that it was a pity that they were so short of authority, as he termed it, that this subject came up. I said I didn't know whether they were short of authority or not — that I hadn't investigated the subject — and there it rested. The subject came up incidentally in that way.

Q. That was when?

A. Oh, I think that was the summer before 1892; because I shouldn't have remembered that were it not that when Mr. Morison came in there and asked me about it, I remember I smiled and said that that was something in the line of what Dr. Jenks suggested to me last summer.

Q. Then, before Mr. Morison came to you and propounded this question, you had never been requested to investigate the subject?

A. No, not that I remember of.

Q. And, so far as you know, it had never been investigated in the office of Mr. Babson, the Corporation Counsel?

A. I don't think it had.

Q. Or his predecessor?

A. No, sir.

Q. Then, when the matter came up at Mr. Morison's request, after he had suggested it to you, then Dr. Jenks was called in to discuss it?

A. I don't remember whether that is so or not. My impression is that Mr. Morison and the doctor came in together to the office and said that Mr. Morison wanted to talk with me on the subject. I think their report had been out at that time — no, their report hadn't been out. It was before their report was out. Mr. Morison came in with the doctor and said that he wanted to know about some suggestions he was going to make in the report — some suggestions that he wanted to make in the report. Then the question arose as to whether or not they had authority. He was going to suggest that the paupers be required to labor, and that

the Commissioners should have authority to compel them to. He said he understood from Dr. Jenks that they didn't have that authority now; that I never had investigated it, and that I didn't know anything about it. He wanted to know whether or not they had, and wanted to know if I would look it up, and I said I would; and I did.

Q. Did you ever give any opinion on the subject?

A. No, sir, it was not my part to give opinions except in the way of suggesting something for legislation, and so I never did.

Q. Did you ever give informally an opinion as to the question of legislation on the subject?

A. I did.

Q. And your opinion was that legislation was desirable?

A. It was; most certainly. I said this — and it is the same argument that I made before the committee of the House of Representatives — that I found upon inquiry in regard to the subject that it had been the practice throughout the Commonwealth not to put them to work; and I said it was not safe to ask any officer to take that responsibility on his own accord, in the doubtful condition of the law, as long as that had been the construction for years. I said that any officer that did it would receive quite a castigation before the public. I was asked the question before the committee as to what my opinion was of the law. I said, I think, that perhaps they had the authority, strictly and legally, but that I didn't believe it was wise to ask any officer to exercise it under the law as it stood; and it was upon that ground that the committee informed me afterwards they had concluded to report it — that the law had been so long in abeyance that they didn't think any officer should be called upon to attempt to enforce it unless they had a renewal of it. That is the reason, as I understood it, why they reported the bill.

Q. Then you went up there and presented the bill in accordance with the request of Mrs. Lincoln and the Mayor?

A. Yes. It was simply carrying out the request of the committee that I appeared before them; and the Mayor had requested that I should do anything I could.

Q. To help on the good cause?

A. Yes, sir.

Q. Dr. Jenks didn't ask you to appear?

A. He wanted me to.

Q. He didn't come to you and ask you to go up?

A. No — he said that if this feeling which had arisen was to go on he ought to be protected by having some law passed.

Q. I mean the year preceding. He hadn't called upon you to do anything then?

A. No, sir.

Q. And he never had before that?

A. I don't know that he had.

Q. I mean that before 1892 he had never asked you to do anything in the matter?

A. You mean except what has been stated here?

Q. Well, he never asked you to do anything?

A. Well, I suppose you mean except what has been told of here?

Q. Yes, the discussion you had with Mr. Morison and Dr. Jenks with a view to preparing a bill; but in 1893, the year following that discussion, no action was taken at all, and you were never called upon to do anything?

A. No, sir.

Q. It was only in 1894 that the suggestion came in that way?

A. Oh, I won't say that.

Q. Well, I mean except this one time that you spoke of?

A. Oh, I think he said it half a dozen times during the year, and

before that. Whenever we would be talking of things in that same line,—of course, we were always discussing in regard to certain matters of legislation that concerned his department,—and that was a common expression of his, substantially, that he wished they had more legislation.

Q. But you were not requested to take any action before the Legislature?

A. Not at all. His position was that he didn't think it was any of his business to try to get legislation passed. It was his business to execute the laws as they were.

Q. So that that was not any of his business?

A. He didn't think it was his place to make a rigorous use of authority, if they didn't have it clearly by law. He couldn't afford to undertake to do it and take the risk.

Q. And it was not any of his business to see that the law was such as he could carry out?

A. Well, that was not any part of his business.

Q. I say, that was the attitude he took?

A. Yes, sir. He was ready to execute any laws that he had.

Q. Any laws that anybody else had passed?

A. No, any laws that the Legislature passed.

Q. I mean the Legislature.

A. Yes, sir.

Q. Well, now, you have been City Solicitor during the whole period that the Commissioners have been in office—the present Commission?

A. Yes, sir.

Q. And the first time that this matter was mentioned to you at all was some time in 1892, when the matter was discussed in the public press then?

A. I told you all I knew about it.

Q. Well, the matter was discussed at that time in the public press, and the first criticisms appeared of the absence of labor down at Long Island about that time?

A. Yes, sir; I think so.

Q. And it was at that time that the matter was first mentioned?

A. That was the first time my attention was called to it; in 1892, I think.

Q. No, you said that this question of power came up in connection with some talk with Dr. Jenks?

A. Oh, that was the summer before 1892.

Q. Well, in the summer before 1892, this same matter of the absence of any labor down there, the idleness of the inmates, was brought out in quite a number of articles. It appeared in the public press in 1891. Do you remember?

A. I don't remember. I have no doubt there were such articles. The more you speak of it, the stronger my impression is that it came up in connection with some talk of taking prisoners over to Long Island to work, or something of that kind.

Q. Don't you remember that there was considerable discussion in regard to the abuses existing at Long Island, and which substantially led to the appointment of the special committee by Mayor Matthews?

A. I remember there was considerable discussion; yes, sir.

Q. And that was in the summer preceding the appointment?

A. Well, I presume so. I don't recollect it.

Q. And at that time don't you recollect that there was this discussion in the public press?

A. I recall the fact, but I am a bad hand on dates. If you should ask me what took place in the Legislature a certain year, I couldn't tell you whether it was one or five years ago. I find myself obliged to look at the "Blue Book" often to see just when a law was passed.

Q. Well, I am not speaking of dates, except in order to fix the fact

that this subject and the lack of any labor on the part of the inmates was a matter of public discussion some time prior to the appointment of the Board of Visitors, the special committee, appointed by Mayor Matthews.

A. I have no doubt of it, but I didn't understand that was what led to the appointment of the committee.

Q. You think that was what caused the appointment of the committee?

A. No, I don't think it was particularly on that thing.

Q. That among others?

A. It may be. I don't recollect it in that connection. That is all.

Q. (By Mr. RILEY.) Just a question or two, Mr. Bailey. Didn't the Commissioners consult your office in reference to sending Deer Island convicts to Long Island for the purpose of labor?

A. I think they did, but I think that was several years back. I think it was during Colonel Nettleton's time as Corporation Counsel.

Q. What?

A. I think it was while Colonel Nettleton was Corporation Counsel that they got the first advice on that.

Q. Were you consulted in regard to it?

A. No, except as the Corporation Counsel, and I usually talk over all law matters, especially if it is anything new or interesting.

Q. Did you give the Commissioners any advice in regard to it?

A. I don't know. I might have.

Q. Well, that is what I want to get at. Did your office advise the Commissioners that it was lawful to send the convicts, who had been sentenced to Deer Island to serve their terms of imprisonment, to Long Island?

A. My recollection is that they did have that opinion given them.

Q. Who gave it?

A. I don't remember.

Q. Are you willing to assume the responsibility of such an opinion?

A. Yes, sir — if I gave it, I mean.

Q. Well, what is your impression in regard to it?

A. Oh, that I cannot tell you — what my opinion is of it?

Q. You don't catch my question. What is your impression now as to the legality of such a transaction?

A. Well, that —

Q. Oh, it is a simple question.

A. It is not a simple question, but I will answer it to the best of my ability. There was some talk at one time of sending some of the prisoners over to Long Island to work. I think Colonel Nettleton talked it over with me. I remember saying that I didn't know what the law was upon the subject, but that if the prisoners went over there and were under the charge of one of the officers of the institution while they were there, I guessed it would be pretty safe to let them go.

Q. I say, what is your present impression?

A. As to the law?

Q. As to the legality of such a transaction?

A. We often advise a department as to the course they should pursue —

Q. What?

A. I say, we often advise a department as to the course which they should pursue without having thoroughly and carefully studied the law.

Q. Would you advise sending Deer Island prisoners to the House of Correction for work?

A. I don't know, I haven't examined into that subject.

Q. Then, you are not prepared to say whether the sending of a prisoner from Deer Island to the House of Correction is legal or not?

A. No, sir.

Q. In regard to the punishment of prisoners at Deer Island, as, for instance, stringing them up, have the Commissioners of Public Institutions consulted your office?

A. I don't know.

Q. Have they about that?

A. I don't know. I never heard of it.

Q. You have never given any advice in that respect?

A. No, sir.

Q. In regard to the legality of that?

A. No; but you understand it is the duty of the Corporation Counsel to do that. They would naturally go to him, and if he was not there, they would naturally come to me.

Q. But you would naturally hear of it?

A. Oh, no. Our city is a pretty big institution, and there are a great many questions to answer in regard to it. They might come in and ask what is the best to be done, and he might tell them off-hand, and no record would be made of it; and he wouldn't see me perhaps for two or three hours, and wouldn't speak of it.

Q. So far as your knowledge serves you, have the Commissioners of Public Institutions consulted your office in regard to the legality of not keeping a locked letter-box in the House of Correction in our county?

A. I never heard of it.

Q. You know what the law provides in that respect?

A. Well, I don't want to assume that I know what the law is; no.

Q. Well, I will assume it for you, and readily. They never consulted you?

A. I mean to say, as far as I am concerned personally, I never heard of it.

Q. Have you any recollection that they consulted your office in regard to the legality of the deputy warden at the House of Correction carrying a monkey-wrench and assaulting prisoners with it?

A. I never heard of it.

Mr. RILEY. — Well, I suppose you wouldn't.

Q. (By Ald. LOMASNEY.) Will you furnish us with a copy of that bill that you sent up to the Legislature?

A. I think it is here to-night. I was handed the bill. I asked Mr. Reed if he had the bill, and I think he gave me the bill that the committee reported. I think it was substantially the same draft.

Q. Did I understand you to say that the committee thought they didn't have authority to import labor now?

A. The committee said that in view of the uncertainty of the law and the fact that whether it was law or not it had never been acted upon, they thought this law should be passed.

Q. Did I understand you to say that the committee thought they didn't have the authority to enforce labor now?

Q. The committee said that, in view of the uncertainty of the law, and the fact that whether it was law or not it had never been acted upon, they thought this law should be passed. You see, supposing an officer had undertaken to enforce a law of that kind and put the paupers to work down there, and some of them had been ugly about it and refused to work, they could immediately have turned around and brought an action against the officer for illegal arrest, claiming that they were put to work and subjected to this injury contrary to the law. Now, under those circumstances, you would not want to make an officer take that responsibility -- I mean, this is what the committee said. They didn't believe the officers ought to be expected to put people to work under those circumstances unless they gave them a sure protection.

Q. Do you remember the time that the removal of Commissioner Newell took place?

A. I remember that I was in the office at that time.

Q. Did you have any conferences with the Mayor on that subject?

A. I don't remember — about what point?

Q. Well, was any of the evidence that was taken at Deer Island or any of the institutions submitted at any meeting at which you were present?

A. No, I don't know anything about that. I think Mr. Babson and the Mayor were in consultation a good part of the time.

Q. Were you present —

A. I don't remember.

Q. Well, wait until you hear the question. Were you present at any time when that matter was under discussion?

A. I don't know. I might have been — if you recall any particular incident.

Q. Can you recall any time when they were going over that testimony?

A. The Mayor and Mr. Babson?

Q. Or the Commissioners?

A. No, sir.

Q. Dr. Jenks and the Mayor and yourself were in conference upon that subject?

A. I cannot recall it.

Q. Have you been in consultation with the Mayor?

A. I just took lunch with the Mayor, and he never alluded to this, or anything of the kind.

Q. I mean in regard to the evidence?

A. No, sir; and I never have read the evidence at all.

Q. (By Mr. BRANDEIS.) Was your office consulted in regard to the legality of accepting the rocking-chairs?

A. I don't remember. I remember there was more or less talk about it in every department, and the Public Institutions Department being in the same building, I think very likely we might have heard of it in one way or another.

Q. I say, was your office consulted in regard to the legality of accepting them?

A. I don't remember of it.

Q. Was your office consulted as to the legality of giving the old hospital building for the use of the children's hospital this summer?

A. They may have been to Mr. Babson. I don't remember. As far as I am concerned, I never heard of it.

Q. (By Mr. REED.) When you went to the Legislature, Mr. Bailey, this last year, did the Commissioners of Public Institutions go there with you, or did they go before the committee to your knowledge?

A. I don't remember whether they did or not.

Q. Was not Mr. Pilsbury there at the time you were?

A. Yes, I think he was. Now, I recall it — he was there with me.

Q. Do you recognize that as the Act? (Handing paper to witness.)

A. Oh, don't ask me to do that. I see so many of them from time to time, that I won't say that is it. It reads like what Mrs. Lincoln and I made up, if she will allow me to say so.

Q. Then you would not positively identify that?

A. Oh, I think that is the Act, substantially.

Mr. PROCTOR. — Probably if Brother Brandeis were shown that he might know what it was.

The WITNESS. — Mrs. Lincoln would know, I think.

Mr. REED. — Perhaps the chairman of the committee would know. He signed the petition.

The WITNESS. — Well, what you wanted to get from me was whether or not the bill that I presented to the committee was in the words of this bill. There is one expression there that I think was not mine; and that is all. Perhaps that was Mrs. Lincoln's.

Q. (By Mr. REED.) It might have been changed by the committee?
 A. Oh, I have no doubt that they put it in a somewhat different form; but it is substantially the same thing.

Q. (By Ald. LOMASNEY.) Well, according to that bill the Commissioners would not have any power to punish the individual, would they?
 They would have to apply to a magistrate, if I read it correctly.

A. I think you didn't read it correctly if you got that inference from it. I think under that bill the idea was that the Commissioners — will you just let me take that bill a minute? I know the idea that we had was that the Commissioners should establish regulations in regard to work being done by those who were able. (Examining bill.)

Q. How about that?

A. Well, I should want to see the Public Statutes before I could say. I think that section referred to is the one that gives them authority to make regulations, is it not, Brother Brandeis? (After consulting Public Statutes.) No, under this bill, if the person applied under Section 2 of Chapter 84 of the Public Statutes, and accepted the aid of a city or town under the Overseers of the Poor under that provision of the statutes, then the Overseers of the Poor could require him to perform "such labor as the official physician shall certify to be suited to his age, strength, and capacity;" and if he neglect or refuse to do it, if he remain an inmate of such an institution he could be subjected to "such restrictions of liberty and diet as said overseer shall deem proper;" that is, as the Board of Commissioners of Public Institutions, in our case, shall deem proper; and if he still refuse to do such work as the official physician says is suited to his age, strength, and capacity, then he can, according to this Act, "on complaint for such refusal or neglect to any court or magistrate having jurisdiction, be punished as provided in section 42 of chapter 207 of the Public Statutes." They simply would have to go to the court for punishment.

Q. Well, would they have the power to punish him, or would they have to go to the magistrate?

A. They would have the power to restrict his liberty and diet; but he could also be punished as a vagrant by going to the magistrate.

Q. Well, the title of that bill is what, Mr. Bailey?

A. This says: "An Act relating to vagrants."

Q. Do you consider a person who is at the almshouse at Long island a vagrant?

A. No, sir.

Q. Well, then, don't you think the title of that bill is wrong?

A. Well, the idea of this is simply this, that if a person goes there and is a "bum," as he is commonly called,—that is, does not do proper work when he is perfectly able to do so,—then that section treats him as a vagrant.

Q. Is that the title of the bill as you drew it?

A. No, sir, it is not. That is the expression that I said I did not recognize as mine.

Q. What was the title of the bill you drew up?

A. I think it was "An Act relating to the support of paupers" or "An Act relating to the establishment of regulations in reference to paupers." It may be the same, but I don't think so.

Q. Won't you kindly read the section of the Public Statutes that authorizes the Overseers of the city or town to make the inmates of the almshouse work?

A. It is Section 2 of Chapter 84 that is referred to in this Act. Do you wish me to read it?

Q. If you please; yes, sir—the one you alluded to.

A. (Reading:)

SECTION 2. The Overseers of the Poor shall have the care and oversight of all such poor and indigent persons so long as they remain at the charge of their respective cities or towns, and shall see that they are suitably relieved, supported and employed, either in the work-house or almshouse, or in such other manner as the city or town directs, or otherwise at the discretion of said overseers. They may remove to the almshouse such children as are suffering destitution from extreme neglect of dissolute or intemperate parents or guardians, except as hereinafter provided.

Q. Now, as you understand the law, the Commissioners of Public Institutions have all the power the overseers have in regard to out-door poor?

A. I understand so, so far as relates to the institutions under their charge.

Q. Now, it speaks there in regard to the employment of persons in the institutions. Don't you think that section is sufficient?

A. Well, I said before that it was not a question of how the law was, inasmuch as the law had never been exercised; but that it was a question of whether it was right to ask an officer to take the responsibility of doing it.

Q. Well, I want to get your opinion upon that section of the law.

A. I don't desire to give my opinion.

Q. Why not?

A. Simply for the reason that it is not my business, in the position that I occupy, to give it; and as the Corporation Counsel has given his opinion, whether mine is the same or not, I should feel that you ought not to ask me.

Q. Well, I don't desire to ask you anything improper.

A. Whether it is one way or the other does not make any difference. I think there ought to be legislation passed so as to enable them clearly to do this, anyway.

Q. Now, taking that bill and reading its title, cannot you readily understand why a Legislature composed of sensible men should refuse to class as vagrants persons who were at Long Island as poor persons, as paupers? Cannot you understand why they should reject a bill bearing that title?

A. No. If you will allow me to consult this other section one moment, I think that will explain the reason of it.

Q. Yes, sir.

A. (After consulting Public Statutes.) This Act provides that such a person who refuses to do proper work—that is, such work as the physician shall certify to be proper — “may, on complaint for such refusal or neglect to any court or magistrate having jurisdiction, be punished as provided in Section 42 of Chapter 207 of the Public Statutes.” Now, that section is as follows:

All idle persons who, not having visible means of support, live without lawful employment,” etc., shall be deemed vagrants, and shall be punished by imprisonment not exceeding six months in the House of Correction, or House of Industry or Work-house.

Now, then, under that bill, if a person went there as a pauper and did not do such work as the physician said he was perfectly able to do, then the Overseers, if it is a flagrant case, might go before the magistrate and make a complaint that that person came under that section and was a vagrant; that is, that he was an idle person, a person who, while able to work, did not work, and that therefore he should be deemed a vagrant. Now, you asked me whether that is the proper title. I think on further reflection it is the proper title. If you will look at it you will see that it simply provides that if a person goes there who is perfectly able to work and yet will not work, the Commissioners or Overseers

can go before a magistrate, and if they substantiate their charge against the person, that person is deemed to be a vagrant.

Q. Wouldn't the effect be precisely the same if the Commissioners discharged that person and he should then come up and roam about the city?

A. No; because he would come back right away.

Q. Supposing they asked him to go to work and he refused and they discharged him, and he should then apply again for admission at Long Island, and should go to the Commissioners' office and say that he had no visible means of support, couldn't they under that statute complain of him to the magistrate of the city as a vagrant?

A. No; because he said he had no visible means of support. He would say that he was not living without any visible means of support — that he was liable to die, and that he came upon the town for help to keep him alive. That is the trouble. Here we have an honest set of paupers in this city, men who from some misfortune, some sickness, some trouble, have come upon the public charge; and I say it is not right that those persons should be taken down to the island and be kept there with a class of vagrants — men who go around the city doing nothing, and who, if you ask them to do any work, demand their discharge, come up here to the city, and then go right back again. I say that those people should be complained of as vagrants.

Q. Then, you believe in the classification of the people in this institution?

A. I believe in a classification that will keep the honest poor from contamination with the criminal poor.

Q. Yes, sir.

A. I do, most certainly.

Q. And from your experience and knowledge of the public institutions, is any such policy as that in existence?

A. I don't know. I don't think there is. I don't see how under the law it can be done. I say that frankly.

Q. But you think it should be in existence?

A. I don't see how any man can question it.

Q. You believe in a thorough classification of that kind?

A. I do, thoroughly.

Q. (By Mr. BRANDEIS.) How do you account for the failure of that bill to pass?

A. Oh, I account for it in various ways. I don't know much about it. It is very easy to excite sympathy and to say: "Here is an effort to take a poor person and carry him down to the island and compel him to work, and subject him to rigorous treatment."

Q. Well, as a matter of fact, that didn't happen, did it?

A. Well, I don't know. I had done my duty in the matter, I thought. I had gone as far as I thought I was called upon to. I went before the committee and said that I thought they ought to have the power, and that I thought it was a good thing for the city that they should have that power, and gave them my reasons; and, having secured the committee's report upon it, with that, as with all other bills up in the Legislature, my actual connection with it ceased.

Q. But it is not a bill that you should despair of having passed at all?

A. I don't see how anybody can object to it. All the Overseers of the Poor can do is simply to say to a person, "You shall do certain work;" and they cannot do that unless the official physician certifies that the work they require of him is proper and suited to his age, strength, and capacity. Well, now, I don't see how anybody can say that a person, no matter whether he is a pauper or anybody else, whether he is under the city's charge, or in the house of a friend, if he is there to be taken care of, should object to doing anything that a

reputable physician says is "suited to his age, strength, and capacity," if he is honest. Anything else, Mr. Chairman?

The CHAIRMAN. — That is all Mr. Bailey.

Mr. REED. — Mr. Chairman, I have sent for General Donohoe, and I suppose he will be here in a minute.

The CHAIRMAN. — The committee will take a recess, then, until General Donohoe arrives.

(The committee took a recess at 8.39 P.M. until 8.47 P.M.)

MICHAEL T. DONOHOE. — *Resumed.*

Q. (By Mr. BRANDEIS.) General Donohoe, you have brought with you the books which will enable you to answer the questions which I put to you, have you not?

A. I did not. I will explain why to you, if you wish. After I got a bite to eat, I have been ever since picking out the bills and the amounts expended for the pump and those matters which you spoke to me about, and the reservoir; but I have not got through with it, as they have to be picked out very carefully. I have to be very careful in respect to some of the charges, as, for instance, a bill for cement which I have in mind now. A portion of that cement was used for the foundations, and a part of it was used for the reservoir. I was at work upon it when they sent the messenger and said the committee wanted me here; and so I got my record book and came back. I can answer in a general way as to what the lump sum of the cost will be, as far as I went, if that will answer.

Q. Can you give it with substantial accuracy?

A. Yes, I think so.

Q. Now, will you tell us in regard to the fire appliances at Rainsford Island — what the cost of those was that have been put in since the Board of Visitors called attention to there need?

A. I haven't got to Rainsford Island.

Q. You hadn't got there?

A. No, sir. I was on Long Island, altogether. I didn't touch Rainsford Island.

Q. Then probably I had better postpone examining you until you have got those amounts.

A. Well, in that case I shall have the book-keeper do it, as he can do it a little more readily than I can. I am not the book-keeper, and it is a little more trouble for me than it will be for him.

Q. But you will be able to bring the books with you?

A. I don't think there will be any objection. They are making a draft now, but I think I can.

Mr. BRANDEIS. — We are willing to ask the questions of the book-keeper, if he would prefer it. The book-keeper can be here to assist him.

Mr. REED. — What kind of a book is it, general?

The WITNESS. — Well, we have a journal and ledger. We find out from the ledger account whom we got materials from, and then a reference to the journal gives the particulars.

Mr. REED. — Then you have two books that you have been at work on?

The WITNESS. — Yes, sir — three. Some of these things were paid for out of our regular appropriation. Those expenditures would show on what we term our Bill Book.

Mr. BRANDEIS. — Well, I should like to have those three books here, then, general.

The WITNESS. — Very well, sir.

Q. (By Mr. RILEY.) How are your records made — you may sit down, if you wish.

- A. Thank you.
- Q. How are your records made up?
- A. I don't quite understand you.
- Q. Well, you produce a book of records here and you read from it.
- A. Yes, sir.
- Q. Now, I would like to know how that is made up?
- A. That is made up at the time of the meeting. At the time that any vote is passed or whenever I am notified that any paper is to be placed on file, I put it down upon a small book; and then that is read to the Board and copied into this and signed by me as the record.
- Q. That is, whenever the Board is in session, you are present?
- A. Well, not always.
- Q. Well, how can you get the record?
- A. The Board is always in session — continuance session.
- Q. At midnight?
- A. If they go there.
- Q. Wonderful word — that word “if.”
- A. Well, so far as adjournment is concerned, the Board has never adjourned since it was formed. Since the Commissioners organize every year there is no *sine die* adjournment.
- Q. They do have meetings at which they transact business, do they not?
- A. Yes, sir.
- Q. Are you present at those meetings?
- A. I am.
- Q. Always?
- A. Or if I am absent, somebody else is.
- Q. You don't mean to say the meetings are going on all the time?
- A. The business is going on all the time, which forms a part of the record.
- Q. The business of this world will never stop — not even when you and I are gone. We won't even be missed, I am afraid. Now, the meetings are not going on continuously, are they?
- A. No, sir.
- Q. Very well. Now, when the Board has a meeting for the transaction of business, are you present?
- A. When I am in town, and not on my vacation or sick, or something of that kind; yes.
- Q. And when you are not there, is there anybody to substitute for you?
- A. They select a secretary *pro tem.* when I am away.
- Q. And when you are not there, you write down the record of the meeting?
- A. Yes, sir.
- Q. Now, that is written in a small book, isn't it?
- A. Yes, sir — sometimes on a sheet of paper.
- Q. Well, whether a book or a sheet of paper, it is preserved, of course?
- A. No, sir; not always.
- Q. It is not?
- A. No, sir.
- Q. So that the original entries, of course, you haven't. The original entries you don't keep?
- A. No, sir, not as a rule.
- Q. Now, when the meeting is over, what do you do with the memorandum?
- A. I take it out to my desk and put it into the small book, if I have put it on a piece of paper, as I said.
- Q. Well, when you get it on to the small book, what next?
- A. Then the next time that they call for a reading of the records —

what might be termed "executive sessions"—I go in and read those records.

Q. What do you read from—the small book?

A. Yes, sir.

Q. Of course you read from the small book?

A. Yes, sir.

Q. Because those are the records?

A. Those are minutes of the last meeting.

Q. You read from the small book because that is the record of the last meeting?

A. I read from the small book, being the minutes of the last meeting or meetings.

A. You use the word "minutes," and I use the word "records;" and possibly we mean the same thing.

A. Probably we do.

Q. Do we?

A. Probably we do.

Q. Then you read from the small book because that is the book that contains the record?

A. Yes, sir.

Q. That being so, why shouldn't that book be preserved?

A. With the reading of the records, it sometimes happens at some meetings that the records are changed in that book. Some member might object. They might say that the record was not exactly right, or that I didn't take up the sense of the vote or of the expression which was used; and it is corrected there in that book.

Q. That is, the records are changed by a vote of the Board?

A. Certainly. When the question comes on their approval, they are either approved or disapproved or changed to their approval.

Q. Let us see if we both understand the law relating to such records alike. (Reading:)

The records of the proceedings of every Board shall be made upon the day of the meeting by the secretary thereof, and be read and approved at the next meeting, and shall give the names of the members present at the meetings and their votes and proceedings thereat.

You understand this law, of course?

A. Yes, sir.

Q. Now, you complied with it?

A. I comply with the orders of the Commissioners of Public Institutions.

Q. Well, what I am asking now is, if, as secretary of the Commissioners, you comply with this provision of law?

A. I read the records whenever the Commission requires me so to do.

Q. Still, I must press my question. Do you comply with this provision of law?

Mr. PROCTOR.—He has nothing to do with the compliance with it.

The WITNESS.—I was just about to say what the gentleman did—that my duty is to do that which the Commissioners of Public Institutions instruct me to do. If they want the records read twice or three times a day, I will read them and take care of them; if only once a month, that is their matter and not mine.

A. Now, again I press my question: Do you comply with this provision of law?

A. I can answer you no further or any different than I have.

Q. Cannot you say yes or no?

A. I shall not say yes or no.

Q. In response to my question you refuse to answer by yes or no?

A. I have answered you — that I read the records whenever the Commissioners of Public Institutions ask me.

Q. That is not just the question which I asked you. If there is any doubt about your position and mine, I will put it again. Have you complied with this provision of law?

A. I have complied with every request and provision that the Commissioners of Public Institutions ever asked me to do.

Q. I didn't ask you that. Have you complied with this simple provision of law?

The CHAIRMAN. — That is a proper question, Mr. Donohoe, for you to answer.

Ald. LEE. — Why don't you ask him if the Board met every day in executive session. I think that is the first question you should ask him.

Mr. RILEY. — We differ. Will you be kind enough to answer?

The WITNESS. — I have no desire to qualify anything about the records, but I have always —

Q. (By Mr. RILEY.) Will you be kind enough to say whether you have always complied with this simple provision of law?

A. That is for the Commission to say. That question will be answered by them.

Q. Have you complied with this simple provision of law?

A. I have answered that question all I am going to, without any disrespect to you or the committee.

Mr. PROCTOR. — Mr. Chairman, it seems to me that the Commission must appoint their clerk or secretary, and it is not for him to answer any such question as that. The Commissioners must answer that question. He obeys their orders, and he certainly has no other duty. The ordinance applies to the Board — "Every officer and board in charge of a department" is what it says.

Mr. RILEY. — You have learned something, have you?

Mr. PROCTOR. — I haven't from you.

Mr. RILEY. — I am afraid it would be hard to teach you anything.

Mr. PROCTOR. — Oh, I shouldn't try to learn anything from you.

The CHAIRMAN. — This section 13 says that "The records of the proceedings of every board shall be made upon the day of the meeting by the secretary thereof, and be read and approved at the next meeting." General Donohoe has stated that he was secretary of this Board of Commissioners of Public Institutions. The ordinance states several things which the secretary of every Board shall do as a part of his duties. The question which Mr. Riley has asked is, "Has that provision of law been complied with;" and it seems to the Chair that it is a perfectly proper question to ask.

Mr. PROCTOR. — Mr. Chairman, may I be heard one moment? General Donohoe has stated the facts. Now, that is all General Donohoe can state.

Q. (By Mr. RILEY.) General, when you were inducted into office, you were sworn, were you not?

A. I was.

Q. Did you understand that your oath was to obey the Commissioners, or to obey the law?

A. To perform my duties —

Q. According to the law?

A. According — there was no "according to law" about it.

Ald. LEE. — To the best of your ability.

The WITNESS. — To the best of my ability.

Q. Don't you think you were sworn to perform your duties according to the law?

A. I made no thought about it at all. I took the oath to perform the duties prescribed for me to the best of my ability.

Q. According to law?

A. That wasn't said.

Q. Well, suppose the Commissioners had in an evil hour instructed you to break the law, should you have done so?

A. When that thing comes up, I will act.

Q. Now, again, will you kindly answer the question according to the ruling of the Chair. Did you not, — to be exact, perhaps the stenographer had better turn back to my question and read it, because I don't want to vary it by even a punctuation mark from what it was.

(The stenographer read the following: "Will you be kind enough to say whether you have always complied with this simple provision of law?")

A. I have complied with all the requirements of the Commissioners of Public Institutions, who were over me, and have read the records whenever they were asked to be read. I never refused to read them, nor did I ever go in and attempt to hit anybody on the head to compel them to let me to read them.

Q. You have said that so often that I shall remember it to my dying day.

A. No oftener than your question.

Q. Now, will you answer the question?

Ald. LEE. — Now, Mr. Chairman, I object. He has answered this question as fully as anybody possibly can answer it under this interpretation of the law. Now, I possibly know practically nothing about law in general, Mr. Chairman, but I do know something about the ordinances of this city. Here is an officer of this city, a subordinate, who comes here and says that whenever the Commissioners have a meeting the records are brought in; and does anybody say, or will anybody attempt to say, that the Commission has not the right to suspend the reading of the records?

Mr. RILEY. — And annul the law?

Ald. LEE. — And annul the law for the time being. They have that right, and everybody knows that that wants to. You wouldn't admit it if you were here a hundred years; and still you know it is right. Mr. Chairman, the law is simple, and I think he has answered this question fairly, and squarely, and manfully. He simply comes here and says that when they have a meeting he goes in to that meeting as secretary of that Board and has the records there; and if they don't suspend their reading, he reads them. He makes a record of what is done at that meeting, and he enters it upon his record book. Now, Mr. Chairman, it seems to me that to waste time in this matter is pure folly.

Mr. RILEY. — Before you sit down, I wish you would let me ask a simple question.

Ald. LEE. — I will answer any question that you ask me; and very quickly, too.

Mr. RILEY. — I would like to ask you this: If any Board or officer has the power to rescind or annul or repeal a city ordinance, will you tell me where that power comes from?

Ald. LEE. — Any officer or any Board has the right to suspend the reading of the records of their last meeting. Even the Board of Aldermen, under their rules and regulations, and under the charter, have that same right. At every meeting which we have some member gets up and makes that motion, and we dispense with the reading of the records. Now, Mr. Chairman, let me say just one word more. General Donohoe is a subordinate of the Board of Commissioners of Public Institutions; and that is a question which in my opinion should be asked of the Commissioners, and not of General Donohoe. General Donohoe obeys the law. He goes before that Commission with his records; and if they violate the law, they are the ones to be brought here and asked if they violate it, and not him. Why, Mr. Chairman, it is as plain as the nose on your face what he is after. Talk about our protecting some indi-

vidual! I take the position that it is pretty near time now that we stopped this and got down to business in relation to the management and the system of carrying on the pauper and penal institutions, and not try any longer to protect ex-commissioners or ex-officers who may have been discharged. Let us get down to business. We have gone on here and been — well, I won't say we have been bulldozed, because I don't think anybody could bulldoze the committee; but it has been attempted on individual members. Now, let me say right here that if he wants to get that information he must get it from the Commissioners.

Mr. RILEY. — Will they go on the stand?

Ald. LEE. — I don't know.

Mr. RILEY. — I think you do.

Ald. LEE. — I don't know. I don't know but what it would be well to get you on the stand.

Mr. RILEY. — Well, I will go, and will let you cross-examine me.

Ald. LEE. — Well, I think we would have an elegant record when we got through with you.

The CHAIRMAN. — The Chair still adheres to his ruling.

Ald. LEE. — Then I appeal from the decision of the Chair, if that is the interpretation that the Chair puts upon it.

The CHAIRMAN. — The decision of the Chair has been appealed from.

Ald. LOMASNEY. — Mr. Chairman, I dislike very much to disagree with Alderman Lee upon this question; but it seems to me that if he will let General Donohoe answer the question —

Ald. LEE. — He has answered it.

Ald. LOMASNEY. — If he answers the question whether or not the provisions of law have or have not been complied with —

Ald. LEE. — How does he know?

Ald. LOMASNEY. — If, after reading that section, he says that the provisions of that law have been complied with, certainly no fault can be found with him. If, on the other hand, he answers it by saying that they have not been complied with, and then says that he was willing to do it, but by the instruction of the Commission he did not do it, certainly no fault can be found with him in that case. I recognize the propriety of General Donohoe recognizing the authority of the Commissioners and not reading the records if they did not desire them read; but certainly I don't think we should protect even the Commissioners at the expense of a subordinate, and in justice to General Donohoe this matter should not be left in that position — that he is trying to protect any one, and certainly not to protect the Commissioners. He should not be held responsible for the action of the Commissioners. They are strong, courageous, able men, and they should not be afraid to take any amount of criticism; and certainly he should not be called upon to take the responsibility or to deny them the right to instruct him. If he answers yes or no, then will come the proper question why he didn't do it; and then we will get the responsibility placed where it belongs. I don't think that he should be expected to take the whole responsibility for not having read the records.

Ald. LEE. — Now, I suppose, that when an appeal is made from the decision of the presiding officer the question is open to discussion and debate; and in that connection I would like, Mr. Chairman, if I may be permitted, to ask one or two questions of General Donohoe; and I think I may then probably vote a little more intelligently. I have that right, I think anyhow; and I think the Chairman will give me that privilege.

The CHAIRMAN. — Certainly.

Q. (By Ald. LEE.) Now, I want to ask General Donohoe if the Commissioners notify him when they are going to have a meeting in executive session, or if they have got certain days set when they have executive sessions?

A. They tell me that they want me there.

Q. And you go there with your record book?

A. I do.

Q. And have the records there so that they can be read?

A. Yes, sir.

Q. And if they move that the further reading be dispensed with, you dispense with it?

A. Yes, sir.

Q. At all meetings?

A. Yes, sir.

Q. And you always make the record in your book?

A. Yes, sir.

Q. It is there ready for them at every meeting?

A. Yes, sir.

Ald. LEE. — Now, Mr. Chairman, I don't see where there is any question about that at all. When the gentleman stands up and answers it as fairly as that.

Q. (By Ald. LOMASNEY.) Is that book in your handwriting, Mr. Donohoe?

A. Yes, sir.

Q. The whole book?

A. All of it.

The motion was put on the appeal from the decision of the Chair, and the appeal was sustained.

The CHAIRMAN. — Mr. Riley will please go on.

Q. (By Mr. RILEY.) One other thing, general, before passing to another part of the examination. You say you are and have been familiar with this provision of law?

A. I have read it.

Q. And you have known it for years — known it ever since you have been secretary?

A. Not all together, I think. I don't know that that was in the Revised Ordinances until 1893.

Q. Well, you have known it since then?

A. Yes, sir.

Q. Now, has the Commission at any time told you to disregard this provision?

A. The Commissioners have never told me to disregard anything, that I know of.

Q. So that you have kept your records to suit yourself?

A. To suit the Commissioners, sir.

Q. Then your records, whenever kept and however kept, are according to the orders of the Commissioners?

A. Entirely so.

Q. And whether written every week or every six weeks, or every six months —

A. I don't think I understand that exactly. Did you mean to say —

Q. Of course you don't, because I haven't completed the question.

A. Excuse me; I thought you had.

Q. They have been written and kept by you as the Commission directed.

A. In the first part of your question you said, I think, that they were written every six weeks or six days, or something of that kind. There has no such thing ever happened.

Q. Well, when you read from the small book the proceedings of the previous meeting, that was the full and complete record of the previous meeting, wasn't it?

A. It was.

Q. And that was transferred to the larger book?

A. Yes, sir.

Q. Exactly as it appeared on the small book ?

A. Exactly — as it was approved. In some cases my record might not agree with what the Commissioners thought they had done previously, and they would correct it. The corrected records, the approved records, are in this book (pointing).

Q. Now, the executive session was every day, was it, except Sunday ?

A. No, sir. They didn't have what they call an executive session every day.

Q. Well, a business session ?

A. They were in business session every day when a majority of them were there.

Q. Well, perhaps I can make myself a little clearer if I ask you to turn to the record of July, 3, 1891.

A. (Turning to record.) Yes, sir.

Q. What do you find ?

A. Do you wish me to read the entire record of that day ?

Q. What ?

A. Do you wish me to read the entire record of that day ?

Q. Perhaps not.

A. "Friday, July 3, 1891," it commences.

Q. Now, do the records of that day show the adoption of rules for the transaction of business ?

A. They do.

Q. That part of the record I wish you would read.

A. (Reading :)

The following report from the Committee to formulate rules was received and adopted :

"The Committee to prepare rules and regulations for the government of the Board respectfully present the following report :

"1. The chairman shall be the representative for the Commission in all business conducted by it, routine or special, in connection with the various institutions, except as may be otherwise at any time voted by the members of the Commission.

"2. All business concerning the work of the Commission shall be presented to the Commission at a daily executive session, to be held at eleven o'clock A.M.

"3. The Commissioners having equal power in all that concerns the general management of the department, shall independently study each of its details and there shall be no subdivision of the work for special committees, except as may be for particular purposes at any time ordered by the Board.

"(Signed)

"OTIS K. NEWELL,

"THOMAS H. DEVLIN,

Committee."

Q. That was adopted, was it ?

A. It was. I read that.

Q. And those were the rules of the Board ?

A. Yes, sir.

Q. Now, in view of what you have just read, I will again repeat the question — was there an executive session every day ?

A. Not every day.

Q. Then that rule wasn't complied with, was it ?

A. Frequently not.

Q. How frequently ?

A. The book will show. I cannot say.

Q. (By Ald. LEE.) You were there every day with your records in the office ?

A. I was there ready, unless I was on vacation or sick.

Q. (By Mr. RILEY.) You are too shrewd for me. Was Rule 1 followed?

Ald. LEE. — Well, what is Rule 1? Let us have it.

Mr. RILEY. — Well, he read it all a moment ago.

Ald. LEE. — Well, let us have it again. I would like to hear it again.

The WITNESS. — (Reading:)

The chairman shall be the representative for the Commission in all business conducted by it, routine or special, in connection with the various institutions, except as may be otherwise, at any time voted by the members of the Commission.

Q. (By Mr. RILEY.) Was that lived up to?

A. That is not for me to say.

Q. So far as your knowledge goes?

A. I don't know whether the chairman was the executive in every case or not. I certainly cannot answer that question. I presume he was.

Q. You don't care much about answering it? It is none of your business?

A. Well, that is just about it.

Q. Well, clearly Rule 2 was not followed? That, you admit?

A. Who admitted?

Q. What?

A. Who admitted what? (Laughter.)

Q. You admit that that rule was not followed?

A. Oh, no; I didn't say so.

Q. You admit that Rule 2 was not followed?

A. No, I didn't admit anything. I hope you won't put anything into my mouth. I am bad enough, anyway.

Mr. RILEY. — Well, I will agree with you that it is bad enough, anyway, but I won't add a word.

Ald. LEE. — He said that *he* was bad enough — not that *it* was.

The WITNESS. — I don't want anything put into my mouth that you say.

Mr. RILEY. — Far from being bad — I know you are good.

Ald. LEE. — What is Rule 2?

The WITNESS. — (Reading): "The Commissioners having equal power in all that concerns" —

Mr. RILEY. — No, that is Rule 1, isn't it?

The WITNESS. — Oh, I beg your pardon, I was reading the third rule. The second is:

All business concerning the work of the Commission shall be presented to the Commission at a daily executive session, to be held at eleven o'clock A.M.

Q. That is the rule that you said was not followed?

A. Not always.

Q. But the Commission adopted the rules, didn't they?

A. Yes, sir.

Q. How often did they hold executive sessions?

A. Well, this book will show (pointing).

Q. Well, about how often?

A. Well, that I cannot tell.

Q. Well, as much as three times a week?

A. There are times here, it appears, that they were held daily — day after day — for quite awhile.

Q. Yes; and then how long a gap?

A. That I don't know.

Q. About how long?

A. Well, they were various times, sometime a week, sometimes two weeks.

Q. Sometimes a week without a session?

A. Without having the records read.

Q. And without an executive session?

A. Without an executive session.

Q. And that was not a rare occurrence by any means?

A. Well, the book will show that.

Q. Well, I am not familiar with the book, and you are.

A. No; it is a book two or three years old, and I have not seen it for a good while.

Q. Now, what you say, then, is, that whenever there was an executive session the Board requested your attendance, and you did attend?

A. I cannot say that quite, because I think — I won't be sure, but my impression is that they did business without my presence; but they called me in to say what had been done. That is, they would have a discussion and would reach some conclusion when I was not present, but they would call me in to say that such a vote had been passed, or to make a record of such a vote.

Q. That is, now and again they held executives sessions when you were not present?

A. They did business when I was not present.

Q. Then not being present, of course you did not read the records of the previous meeting?

A. I could not have read anything if I was not present.

Q. So that they did hold meetings when no record of the previous meeting was read?

A. I don't know how you would reason that. They could do business without my presence, and tell me, and that made — my record of it made it a meeting, of course.

Q. But who read the record of the previous meeting?

A. In such cases as that there was no record read, sir.

Q. That is the point I was trying to make.

Ald. LEE. — The Commissioners didn't require it.

The WITNESS. — I never refused.

Mr. RILEY. — I didn't say that you did. You know that I wouldn't say anything of that kind, and nobody that knows you would.

Ald. LEE. — The Commissioners are the only parties who are concerned in this matter, and they could adjourn when they met without holding an executive session? Is that right?

The WITNESS. — I had nothing to do with it.

Mr. RILEY. — What you mean, Mr. Alderman, is, that this witness was not a Commissioner.

Ald. LEE. — I mean to say that the Commissioners were the parties who governed this matter, and that they could adjourn without holding an executive session.

Q. (By Mr. RILEY.) Now, they would bring to you the result of the meeting?

A. They would send for me.

Q. And when would you write out the record for that meeting — the meeting when you were not present?

A. Immediately upon being notified of it.

Q. That is, whatever they told you?

A. Yes, sir.

Q. Who would generally bring you that information?

A. Generally in the presence of all, by the chairman. Sometimes the vote would be brought to me by either of the Commissioners.

Q. You would put it on the small book right off?

A. Immediately.

Q. When would you transfer it to the large book?

A. As soon as it was approved.

Q. But we have no means of getting at the time?

A. The book shows it.

Q. How long before it would be transferred to the larger book?

A. Immediately after the meeting held where the records were read.

Q. Have there been instances of where a week elapsed?

A. Not after it was approved. It was put in the small book, and was put from it into the large book immediately after the approval of it. If it was —

Q. But have there been instances where the record on the smaller book was not transferred on to the larger book for weeks?

A. Yes. They were never transferred until they were approved.

Q. That is not what I am getting at. Sometimes a record would remain on the smaller book for weeks before it went on to the larger?

A. As long as it was not approved.

Q. Yes; and it might be weeks?

A. It might be.

Q. It might be months?

A. I don't think it was ever more than a month — I don't know that.

Q. Probably not.

A. I don't know that.

Q. Now, do the records show that at each executive session all the members were present?

A. The record shows this — that if any Commissioner at any time during the business hours of the day appeared at the room, he was to be marked as being present that day, on an agreement with the Commissioners that every man should be marked present if he appeared and took any part in the business that day. He might be at one of the institutions and not at the Board rooms until late in the afternoon, or something like that, and the rule was to mark them present; but if I understand your question — I think I do, and I want to answer it clearly —

Q. Well, I didn't know that it called for such a long preface as that.

A. Well, talkativeness is catching, like everything else.

Q. Well, now, I wish you answer this question: Do the records show that at each executive session all the Commissioners were present?

A. If they were present, it does.

Q. And if they were not?

A. It doesn't.

Q. It doesn't. Now, I understand from your explanation —

A. I didn't explain.

Q. (Continuing.) — given just now, that if a Commissioner was absent during the executive session which was held at eleven o'clock under Rule 2, as you construed it, that Commissioner if he should put in an appearance at any time during the day, as, for instance, at 6 P.M., your record would show that he was present at the executive session. Am I right?

A. The record would show that they were present whenever they appeared any time during business hours, but not quite so late as six.

Ald. LEE. — That would be a violation of the ordinances, wouldn't it? Five o'clock is the closing hour.

The WITNESS. — (Continuing.) But under the direction of the Commissioners, any member of the Commission who was present at any hour of the day during business hours was marked present at that business meeting; but at any meeting at which the records were ever read,

none of the Commissioners were ever marked present unless they were present actually.

Q. You see that this multiplies words and takes time. We are reaching the end now. I don't wish to interrupt you, but at the same time I do wish to make my question so simple that we can proceed rapidly. Let us understand each other. The executive sessions were at 11 o'clock in the forenoon?

A. That was the order.

Q. And if that order was lived up to, that is the hour that the sessions were held?

A. Yes, sir.

Q. Now, that session lasted about how long?

A. Various times, — long enough to have the records read and to have any business introduced.

Q. But averaging the short meetings with the longer ones, about what length of time would be occupied by the meetings, about an hour?

A. Oh, no, rarely as long as that.

Q. Well, half an hour?

A. There were some half-hour meetings.

Q. Now, we will assume that a meeting begins at 11 and ends at 11.30, where some of the Commissioners were absent. If any of these Commissioners put in an appearance before the closing hour, 5 P.M., then your record would show that all the members were present?

A. If they had an executive session at which they were present, they were marked present, and if they were absent, and I was there, they were marked absent.

Q. What did you mean by saying that if the Commissioners wasn't there during an executive session, and came in at any time during the day, he was marked present?

A. I didn't say that — or didn't mean to.

Q. What did you mean by that?

A. I didn't mean to say that, or didn't say it, I think.

Q. What do you mean by an absent Commissioner coming in and being marked present?

A. At any time during the day.

Q. What would you do then?

A. I would mark him present.

Q. At the executive session?

A. No, sir.

Q. (By Ald. LEE.) You marked him as being present at the office?

A. At the office to attend to business.

Q. (By Mr. RILEY.) What is the use of adding anything to his words? Now, answer this question: If any Commissioner came in at any time during business hours, what would you put down on the book?

Q. All the members present.

Q. Yes; although one of the members would not get to the office until 5 o'clock? Is that true?

A. Yes, sir.

Q. Where did you get authority to do that?

A. The Commission, of course.

Q. When?

A. It has been the custom ever since the Commission was organized.

Q. When did the custom begin?

A. In the beginning of the Commission — from their first appointment.

Q. Do your records show the adoption of any such rule?

A. No, sir; I think not.

Q. Then I ask you when it began and who began it?

A. When the first Commission was formed, the rule was adopted that if any member of the Commission was present at any time during business hours, he should be marked as present.

Q. Who told you to do it?

A. The first three Commissioners, Dr. Jenks, Mr. Prescott, and Mr. Laforme. All three wished to be marked present.

Q. Now, for instance, if only one of the Commissioners was present at the 11 o'clock executive session, and the other two Commissioners didn't get in until 5 o'clock or 4 o'clock in the afternoon, yet the records would show that all were present?

A. When an executive session was held?

Q. Am I right? Am I right in my assumption in that question?

A. You are and you are not. If an executive session —

Q. Well, what part of it will you give to me and what part of it will you put against me?

A. By an "executive session" is meant a session at which the records were read. Whatever is stated in that book, and whoever is marked as present or absent at that executive session, was present or absent. That record is correct, and no man was marked present when he was absent, when the records were read.

Q. But if a man came in late, you put him down as present?

A. Not when the records were read.

Q. If a Commissioner came in at any time during an executive session, would not he be marked present?

(No response.)

Q. Yes, he would, wouldn't he?

A. Well if —

Q. Yes, I say, he would be marked present?

A. Who said he would?

Q. Didn't you say so?

A. I didn't say so. I think you said so. You said "Yes" about something, but I don't know what about.

Q. Oh, I said that there is no doubt about it.

A. Well, I don't think I said that.

Mr. PROCTOR. — You said "Yes," fast enough.

Mr. RILEY. — You are the finest human parrot I ever met.

Mr. PROCTOR. — Well, I am not so much like a woolly dog as you are, anyhow. (Laughter.)

Mr. RILEY. — No, you are more like a yellow one. (Laughter.)

The CHAIRMAN. — Will Mr. Riley please proceed.

Q. (By Mr. RILEY.) Now, general, if they came in at any time before the closing hour, you would mark them in your record as being present?

A. Not the day of an executive session, when I read the records.

Q. I am not asking you that.

A. Always, except that, sir.

Q. That is just what I desire to get at. Now, will you kindly turn to October 20, 1891.

Ald. LEE. — Well, I would like to ask just one question or two about that second rule.

Mr. RILEY. — Well, you will confuse me pretty well before I get through, if you interrupt.

Ald. LEE. — Well, I ought to get a gold medal from some Humane Society if I confuse you.

Mr. RILEY. — Take care you don't get a leather one.

Q. (By Ald. LEE.) I would like to have you read that rule, so that the chairman of the committee and the members may get hold of it — that second rule.

A. (Reading:)

All business concerning the work of the Commission shall be presented to the Commission at a daily executive session, to be held at 11 o'clock A.M.

Ald. LEE. — That don't apply to executive sessions at all. It says that all business shall be presented to the Commissioners —

Mr. RILEY. — At executive sessions.

Ald. LEE. — It don't say "executive."

The WITNESS. — Yes, "at a daily executive session." (Laughter.)

Ald. LEE. — Well, now, that is all right. We will suppose that it does. Isn't it possible that the Commissioners should meet and then immediately adjourn without doing any business?

Mr. RILEY. — Well, has the time for arguing come?

Ald. LEE. — Well, I thought that you had argued it pretty well, and I thought it was about time for the committee to have something to say. I would like to ask one more question.

Q. (By Ald. LEE.) Were all the executive sessions held at 11 o'clock?

A. They were not.

Q. At other hours of the day?

A. Yes, sir.

Q. Later?

A. Later.

Q. Any of them up to 4 o'clock, that you remember?

A. I think not as late as that.

Q. Up to three?

A. Possibly.

Q. (By Mr. RILEY.) Have those rules ever been repealed?

A. I think not.

Q. They are still in force?

A. The rule has never been repealed, to my recollection.

Q. So that your reply to the Alderman is that they have been broken?

Am I right?

A. That is a matter for the committee to decide.

Ald. LEE. — That is what records are made for, you know — to break. Sometimes records are made to break, and they are broken.

Mr. RILEY. — Well, if they are good ones they should not be.

Q. (By Mr. RILEY.) Now, general, will you turn to Oct. 20, 1891?

A. (Reading:) "Tuesday, Oct. 20, 1891."

Q. Do you find anything there in the way of a report pertaining to an officer in one of the institutions named James White?

A. Yes, sir.

Q. Will you read it?

A. (Reading:)

The following report of the committee on case of Officer James White was accepted and adopted:

"14 BEACON STREET, October 20, 1891.

"The committee in conjunction with the superintendent of the institutions at Deer Island have investigated the charges upon which Officer James White was discharged, and found the evidence to be unreliable, and that nothing was done by said officer to warrant his discharge. He is an officer without flaw in his previous record at the institution, and the committee therefore recommends that he be this day reinstated without loss of pay, and that this report be forwarded to the Civil Service Commission."

Q. Was that report adopted?

A. It was. I read that. (Reading:) "The following report of the committee on case of Officer James White was accepted and adopted."

Q. Now, will you turn to March 2, 1891 — I think it is page 250?

A. You seem to be familiar with these records, after all, don't you?

Mr. RILEY. — Well, by proxy.

The WITNESS. — March what was that, sir?

Mr. RILEY. — March 2.

The WITNESS. — (Reading:) “Monday, March 2, 1891.”

Q. Now, do you find anything there in reference to a nurse at Long Island?

(Reading:)

The appointment of Charles H. Coakley, as night nurse, at a salary of \$20 a month, was disapproved.

Ald. LEE. — Is that on page 252?

The WITNESS. — Page 250.

Ald. LEE. — Two pages out of the way.

Mr. RILEY. — No, I said 250.

Q. (By Mr. RILEY.) A night-watch at what place, sir?

A. It doesn't say here.

Q. Now, some time in 1891, there is a record pertaining to the appointment of one Bowden as an officer. Can you turn to that, or is the record indexed?

A. Oliver Bowden?

Q. Yes, sir.

A. He is the captain of the steamer. The appointment of him, you want me to find?

Q. Yes, sir.

A. (Reading:)

Saturday, April 11, 1891. All the members present. A communication from J. W. Bartlett, captain of the steamer “J. Putnam Bradlee,” on leave of absence, tendering his resignation, was placed on file, and the resignation was accepted.

Q. No, I don't ask you to read the records. I want to get at the date of the appointment of Oliver Bowden.

A. April 11.

Q. That was the date of his appointment, was it?

A. (Reading:)

Voted, That Oliver Bowden, mate and acting-captain of the steamer “J. Putnam Bradlee,” be appointed to captain, *vice* Bartlett, resigned.

Q. That was April 11, 1891?

A. Yes, sir.

Q. Now, will you inspect the records of that date and see whether all the Commissioners were present at that session or not?

A. I really cannot remember. The records were not read on that day, and therefore —

Ald. LEE. — They were all present when they were approved?

The WITNESS. — They were all present some part of the day. The records were not read that day, and therefore it was not an executive session.

Mr. RILEY. — We are all somewhere or other some part of the day.

The WITNESS. — But all the Commissioners were present when that vote was approved.

Mr. RILEY. — No, I haven't got around to that yet. We are on the record of April 11, 1891.

The WITNESS. — Yes, sir.

Q. (By Mr. RILEY.) That was the meeting at which Oliver Bowden was appointed?

A. It was.

Q. Can you say by looking at your records whether at that time all three Commissioners were present?

A. My impression is—I won't be positive, but my impression is, that when that vote was passed Dr. Jenks and Mr. Prescott were the

only ones present. It was brought to me, I think. That is, I was told to make that record as of that date.

Q. Now, you spoke about a rule or custom originating with the Board of Commissioners of putting on the record as being present anybody who came in during the day?

A. Any Commissioner.

Q. Will you turn, if you can, to any record of that rule or custom?

A. There is no such record.

Q. Never had any?

A. Never.

Q. In regard to special requisitions — excuse me, you say that such a custom or rule was adopted. Now, where and when was it adopted?

A. It was adopted the first time that the Commission met and organized. I was told to do so at the first meeting held by the original Commission.

Q. At the office?

A. Yes, sir; 14 Beacon street.

Q. And why was not there an entry made of that important order?

A. I cannot tell you the reason why. It was done, I think, agreed upon, by the three gentlemen, perhaps not during the session, but while they were in the room.

Q. Yes, but I mean why didn't you enter that upon the record?

A. I was not ordered to; and I am not sure whether I was told not to enter it or not. I won't be sure of that, but it was an agreement between them.

Q. I understand that.

A. It was no vote.

Q. Nobody doubts that at all, but the chances are that you were told not to make an entry of it?

A. That is very likely — more than likely.

Q. And that would account for its omission from the records. Now, at some time during your examination you spoke about the requisitions being preserved in the office?

A. Yes, sir.

Q. They are preserved?

A. Yes, sir, they are.

Q. Do you have in mind at that time the general requisitions — that is those that come twice a month — or did you have in mind all the requisitions?

A. All the requisitions are kept, or should be. That is the rule.

Q. Well, I agree that they should be kept; but are they all kept?

A. As far as I know.

Q. All the special requisitions?

A. So far as I know; yes, sir.

Q. You know there are a great many special requisitions?

A. Yes, sir.

Q. Who files them away?

A. Mr. Prescott, the clerk, who has charge of all that business.

Q. He is under you?

A. Yes, sir; he is a clerk in the office.

Q. But you have no reason to suspect or believe that they are not all there — all of them?

A. No, sir. On the contrary, I think that they are.

Q. That they are all there?

A. Yes, sir.

Q. Now, when the chairman was absent were requisitions for supplies left with anybody?

A. They were always left on his desk in the Commissioners' room.

Q. With whom?

A. With the Commissioners. I didn't have anything personally to do with those. Mr. Prescott did.

Q. Well, somebody would have charge of the requisitions that were left?

A. They came in an envelope addressed to the Commission, and were brought to the Commissioners' room and were left there. We don't open the requisitions in our office.

Q. And some of the Commissioners would do that?

A. Yes, sir.

Q. Now, were passes signed in blank and left during the absence of the chairman?

A. Not that I know of. Occasionally all of them have left a blank for special cases, when they were to be absent.

Q. Left them with what person?

A. Sometimes with Mr. Prescott — though I don't know what there has been since the present Commission has been formed, or since the expiration of Mr. LaForme's term. I think he, on several occasions, signed passes and left them, expecting somebody to come in for them — something like that.

Q. I don't wonder that you misunderstood me, general, for I didn't have the thing clear in my own mind. When I used the word "requisitions," I didn't mean requisitions sent to the office from the officers of the institutions. I meant this: When the chairman went away, would he leave requisitions for supplies, as, for instance, butter and eggs, flour, and things of that kind, with anybody?

A. Not to my knowledge.

Q. Did he leave such requisitions behind him?

A. No, sir, not to my knowledge.

Q. And had he done so, you would know it?

A. He never left any with me.

Q. But whether he left it with the other Commissioners or anybody else in the office you would be apt to know that?

A. He might have left some with the Commissioners or with anybody that he saw fit, without my knowing it; but I never knew of it.

Q. Did he ever leave any with Mr. Prescott?

A. I don't know that he did.

Q. There didn't ever any of the superintendents come up there and sign requisitions in blank, did they?

A. I never heard of it.

Q. I think it is understood now, but in order that there may be no mistake I will put this question: The rules you have read were adopted October 20, 1891?

A. Whatever the date is.

Q. Now, up to that time there were no written rules bearing upon the records? Am I right?

A. I am not sure about that. I have an impression that earlier than that something was said in the Board about rules — I am quite sure there was.

Q. Yes, but were rules adopted previous to that time?

A. There were rules brought in previous to that and read — although they were not adopted, and were taken away.

Q. So that the business of the Commission was carried on up to October 20, 1891, without any rules, so far as your records show?

A. So far as the records show.

Q. Now, something was said earlier in this examination in reference to the body of Edward Cuddy. Do you remember that?

A. I do.

Q. Now, who would apply to the Board of Health for a permit in order to obtain a body for anatomical purposes?

A. Myself.

Q. Yes. Have you any means of knowing how many permits you obtained from the Board of Health on November 25, 1893, that being the date of the Cuddy permit?

A. This book will show the vote giving permission to some physician or other to take the body from some of the islands for anatomical purposes; but whether the permits were all got on the same day or not, I don't know. There would be a record of Edward Cuddy's body here.

Q. That is, November 25, 1893, is it not?

A. I don't know. I will look and see.

Q. I have the date right, — November 25. I think that will guide you.

A. (After examining records.) It does not appear on these records on that date. The permit may not have been got that day.

Q. Would it appear on that record before getting the permit or after?

A. Oh, before.

Q. How long before?

A. Well, it ought not to be a great ways.

Q. Or, to state it in another way, is there anything on your records showing the time when you got permits from the Board of Health?

A. No, sir; not when I got the permits. That might occur a day or two afterwards. It was always later than the vote.

Q. The date of that Cuddy permits was 1893.

A. Oh, I thought you meant 1892. I haven't that book here. I didn't think of that. There is a record of it somewhere, though, where it will appear.

Q. What we desire to get at is this, whether on November 25 you got more than one such permit from the Board of Health, and if you did, how many more, and what names do those permits represent; so that when you come again, if you can bring that information, we will be very much obliged.

A. Certainly. I can recollect that at about that time there were several, but I would not be sure of the names.

Q. I know, but what I want to get at is, whether or not on the day that the Cuddy body came up, other bodies came also?

A. Yes, sir. I can give you that information from my records.

MR. RILEY. — That is all, *MR. CHAIRMAN.*

Q. (By the *CHAIRMAN.*) General, you have appeared before this committee and testified to some little testimony before to-day, didn't you?

A. Yes, sir.

Q. You appeared at that time and the question was asked you: "Are the records signed?" You answered:

No, not here. I never signed them until they were read and approved.

Q. Well, when was that approved?

A. It was some time afterwards. (Examining the records.) At a meeting held Thursday, April 30, 1891, all the members being present — do you wish me to read the whole of that?

Q. No, just that part of it.

A. They were approved on that date.

Q. (By *ALD. LEE.*) Now, I wish you would turn back. I understand from what you have read that all the members were present?

A. Well, I explained that a while ago.

Q. (By the *CHAIRMAN.*) Will you be kind enough to state it again? You know what you testified to before has been stricken out of the records?

A. That an agreement to that effect was made at the beginning of the term of each Commission.

Q. (By *ALD. LEE.*) What was that agreement, and when was it made?

A. The first Monday in May in each year.

MR. RILEY. — That agreement, of course, must be a matter of record, and it would be easy to turn to it.

Ald. LEE. — Well, let him go on and explain it. Go ahead, general.

The WITNESS. — It was agreed at the formation of all these Commissions — at the formation of the first Commission on the first Monday of May, 1889, at the formation of that of 1890, and at the formation of that of 1891 — that any member of the Commission being present any portion of the business hours of the day at the office should be considered present.

Q. (By Ald. LEE.) That was an agreement?

A. Yes, sir.

Q. Among the three Commissioners?

A. Yes, sir; notwithstanding the statement of the witness.

Q. Now, do you know who were the Commissioners on the first Monday of May, 1891?

A. Well, that was after that rule was made. At the time that that agreement was made, the Commissioners were Dr. Jenks, Charles K. Prescott, and Dr. O. K. Newell, Mr. Devlin came in the first day of May, afterwards.

Q. (By Ald. LOMASNEY.) I notice that it says here (pointing) that the records of the meetings from March 30 to April 30 were read and approved?

A. Yes, sir.

Q. Do I understand that the custom was to go along the whole month, and then to read the records of the month, and then to have them signed and approved?

A. No, sir; it was irregular.

Q. How does it come to be on that book, then?

A. It is there on the book because it was so in that case; but it was not the regular thing. Usually they were read for three or four or five days.

Q. Now, on March 31 it says that all the records from March 19 were read and approved?"

And your answer is:

Yes, sir; all the records were read on that date and approved.

Now, that testimony which you gave at that time was correct, I suppose?

A. Yes, sir. I didn't quite understand you reading. You read once that the records from March 30 to April 30 were read and approved, and now what are the last dates?

Q. From March 19 to the 31st of March were read and approved.

A. On March 19, this book says, the records of the meetings from February 11 to March 19, inclusive, were read and approved?

Q. Yes, and from March 19 to March 31?

A. On March 30, the records of the meetings from March 19 to 30, inclusive, were read and approved.

Q. Yes.

A. I thought you said the 31st.

Q. Then if that be the case, the records of each meeting were not read at the successive meeting?

A. The records were not read, except as stated in this book and signed by me; so, when it does not say so, they were not.

Q. The records of the meetings were not read at the successive meeting?

Ald. LEE. — They may have been, but not approved.

The WITNESS. — When I was called into the Board to what I call an "executive session," the records were read.

Q. You have stated here that there were several records of several meetings from March 19 to March 30, which were read and approved on the 30th of March?

A. Yes, sir.

Q. Then the records from the 19th to the 30th —

A. Were not read until the 30th.

Q. Were not read until the 30th; and they were not read at the meeting succeeding the meeting of which the record was a part?

A. They were not read from March 19th until the 30th; yes, sir.

Q. A witness who testified here in regard to the records:

Q. Did you ever ask to have the records read when General Donohoe refused to read them?

His answer was:

A. No. General Donohoe never refused to read them. General Donohoe used to come to me frequently and say, "Don't you suppose I can get our records read up?" and suggest that I speak to the chairman some time when he was in good-humor, or something of the kind, and get the records read up.

That was Ex-Commissioner Prescott. Can you tell the committee whether that is practically true?

A. That is practically true, I presume. It is very possible, and I think that perhaps I did ask every member of the Board at one time or another to let me read up the records, for my own sake. It was a good deal of work to put the records from the small book into the large book, and I always wanted, as soon as the records were read, to put them into the other book the same night, if I could; and when the records were not read for four or five weeks, it took me two or three successive days to do it, and I didn't like it. But as to saying to Mr. Prescott or anybody else, to speak to the chairman when he was in a good-humor, I don't believe it.

Q. Oh, well, that is altogether immaterial.

A. I preferred to have the records read often, and do now.

Q. If there was a meeting of the Commissioners to-day, so far as you are concerned, if they had another meeting to-morrow, you would prefer to have the meeting of to-day read and approved to-morrow?

A. I would.

Q. Now, will you explain to the committee what is your idea of an executive session?

A. The executive session of this Board is one where the records are read and business transacted.

Q. That is, the only difference in the meeting of the Board?

A. Yes, sir.

Q. That if at any meeting the records are read, that you consider to be an executive session?

A. Yes, sir — always refer to it as such.

Q. That is, what according to your idea makes an executive session?

A. Yes, sir.

Q. Can you tell this committee what method a prisoner who comes to your office, the office of the Commissioners, and announces himself as a pauper — what method you take to have him sent to the island?

A. If a person comes to the office where I am and says that he wants to be sent away, that he is a pauper and has no home, I send him down to the settlement clerk, Mr. Gilman. Mr. Gilman inquires into his history, take his name, age, etc., where he has lived, and all the facts that he can possibly get from the prisoner, in order to determine whether it is a city case or whether it is a case for the State — whether he shall be sent to Long Island or to Tewksbury or Bridgewater. He settles that question; and they are sent accordingly.

Q. Well, how are they sent?

A. To Tewksbury we send them —

Q. No, but to Long Island, for instance? Say that is to be the prisoner's destination — how are they sent?

A. They either walk, or if unable to walk, are taken to the boat in a carriage — the steamer "Bradlee" — with a permit from Mr. Gilman admitting them to the institution at Long Island.

Q. Mr. Gilman, the clerk, gives a permit?

A. He is the settlement clerk and sends all the paupers.

Q. He gives them a permit?

A. Yes, sir.

Q. Does he make a record on his book?

A. He does.

Q. What record does he make?

A. A record of the man's name and where he is sent to on a card. Then, on a sort of library index he makes a full history of the man, so far as he can get it, his name, age, birth-place, father's name, mother's name, mother's maiden name, where born, where they have lived, whether they are dead or living, and if living, where.

Q. This is put on to a card?

A. On to a card that is kept in the library index.

Q. No put upon the books?

A. Those particulars are not put upon the books; no, sir.

Q. In his name entered upon the book?

A. Yes, sir.

Q. He goes down to the boat and takes the card or permit with him, does he?

A. Yes, sir.

Q. And I suppose he gives that to the captain or somebody on the boat?

A. He shows it to the captain in order to get on the boat, and gives it up when he reaches his destination.

Q. Well, suppose that this party should die at Long Island and somebody should come to your office and claim the body, what would you do in that case?

A. Tell them, if they didn't know, to go to the Board of Health and get a permit for removal. That permit is brought in and shown in our office, whereupon we send to the superintendent of the institution, wherever the death occurred, to send up that body, and the undertaker or person who inquired about it is told to meet the body at the boat at whatever time it will be up.

What record do you make?

A. We make no record of that thing, sir.

Q. You make no record?

A. That notice is a printed notice or a blank notice, filled out to the superintendent of the institution, simply saying to him, you will please send the body of — on the A.M. or P.M. boat on such a day as may be, and they retain that there. There is also a further account of it, inasmuch as every two weeks every institution sends a report of deaths to the office, on which the fact of the death, the date it happened, and the occasion of it, is put. A notice is also sent from the institution immediately upon the death of the person — a notification to the chairman, besides an account on the regular daily report.

Q. Do you make any record on any books in your office of to whom these bodies are delivered?

A. No, sir. That comes from the Board of Health.

Q. The party asking for the body gets a permit from the Board of Health?

A. Yes, sir.

Q. And comes to your office and shows that they have a permit for it?

A. Yes, sir.

Q. And you deliver it up?

A. Yes, sir.

Q. But you have no record that you can refer to to show to whom that body was delivered?

A. Not in our office.

Q. Well, is there any in any office?

A. The Board of Health.

Q. How does the Board of Health know that they got the body? They have got a permit to get it, but how do they know that the party has got it?

A. I don't know that they do.

Q. And your office doesn't know?

A. The yellow ticket at the other office will have to be delivered to somebody, and in our office we issue a permit for burial or removal.

Q. So that you would take a man's body, a man's live body, and take him to Long Island, and you have the custody of that body, and the man dies, and you have nothing to show on your books where that body has gone?

A. Oh, yes, we do.

Q. Is that right?

A. The books at Long Island show that the body was taken for burial, if it was taken for burial.

Q. But it doesn't show who has taken that body?

A. It doesn't show the individual; no, sir. It shows the undertaker who took it, though.

The CHAIRMAN. — Does any other member of the committee desire to ask the general any questions?

Q. (By Ald. LOMASNEY.) General, I just want to ask you one or two questions. Section 13 of the Revised Ordinances says:

Every officer and Board in charge of a department shall keep records of the acts and doings of the department, in books kept specially for the purpose, including a book in which he shall record all contracts and all changes and alterations made in contracts, etc.

Do you have a book in which you keep a record of all contracts?

A. The records of contracts made. We make only the contracts for fish, stone, coal, beef, and mutton.

Q. Have you got a book in which you keep a record of all contracts made?

A. They are kept in this book — a part of the records.

Q. Haven't you got any other book?

A. No, sir. We don't keep any other book. We have a copy of the contract, and —

Q. Well, I will read this again. (Reading:)

Every officer and Board in charge of a department shall keep records of the acts and doings of the department, in books kept specially for the purpose, including a book in which he shall record all contracts and all changes and alterations made in contracts.

You have no such book?

A. We don't make any contracts for work of that kind.

Q. Let us see. Supposing you want to get \$1,800 worth of plumbing. How is that done?

A. We don't make any contract for it.

Q. Well, I mean for repairs?

A. I have never known of a contract to be made for any such thing. If there was, it would be on this record book here (pointing).

Q. You don't keep any such book?

A. The contracts are kept in this book. It is kept specially for that purpose. That is one of the reasons why it is kept.

Q. You don't keep a book that answers this purpose?

A. Yes, sir.

Q. Where is it?

A. I have a book, with copies of the contracts, but it is only from

hearsay. Those contracts the Architect makes, and we get the information from him.

Q. You have that book?

A. Yes, sir; we have book there.

Q. How long have you had that book?

A. I guess a year.

Q. A year?

A. About a year.

Q. Are you sure it was a year?

A. About a year. I don't know exactly. I should say it was a full year; yes, sir.

Q. You are sure of that?

A. It may have been a little less. I don't know about the exact time.

Q. How did you come to keep that book?

A. There was a discussion between the Architect's Department and our department, and the doctor went and talked with the Mayor, I think, about it, and the Mayor sent a letter that we should keep such a book as that.

Q. Have you got that letter on file?

A. I think we have.

Q. When you come again, will you please bring us a copy of the letter?

A. Yes, sir.

Q. Then do you put upon that book, which you keep now by order of the Mayor, all contracts for fish and supplies made with different persons.

A. No, sir; that is kept upon that book. (Referring to record book.)

Q. Yes, sir; upon the record book?

A. Yes, sir.

Q. Now, in reference to the disposition of bodies. Supposing a physician applies for a body at Long Island, will you be kind enough to explain to the committee how he goes to work to get the body?

A. He makes an application to our office. A bond which we have there, a blank bond for \$500, is filled out, in accordance with the law, in relation to that matter. It is then sent to be signed by him. He signs it, returns it, and if we have that material to furnish him, it is furnished him by a vote of the Board, and he signs a receipt for it; and that receipt is sent to the institution from which the body is obtained.

Q. About how many bodies did the Board vote away last year?

A. Eighteen hundred ninety-four?

Q. Yes; take last year.

A. We have given none away since last January.

Q. You have given none since last January?

A. I think not. I think in January the last material of that kind was sent up.

Q. Take the year 1893, from January 1 to December 31 of that year, about how many bodies were given away?

A. Oh, say 12 or 14.

Q. Have you a record of the doctors to whom they were furnished?

A. Oh, yes, sir. We have a bond from everybody.

Q. About 13 or 14?

A. I should say so. I can give it exactly.

Q. Well, take the year 1892. About how many that year?

A. I don't know. I should say a few less.

Q. Well, you would have no difficulty in presenting to us the names of the doctors and a copy of the bondsmen?

A. There are no bondsmen. The doctor's own bond is sufficient.

Q. His own bond?

A. It is taken — his own bond.

Q. He qualifies in the sum of \$500?

A. Five hundred dollars.

Q. And he has to swear to it before a Justice of the Peace?

A. He signs a printed form made by the Law Department.

Q. Do you have many applications for these bodies?

A. Oh, a great many.

Q. About how many are there on file now in your office?

A. Well, they are not generally made by written application. The representatives of the various colleges come there personally, and sometimes they apply by telephone, but that is somewhat rare. I got one to-day, a very earnest call for material of that kind, from a medical college in this city.

Q. Well, do you have most of the demand from medical colleges, or mostly from physicians or graduates?

A. Mostly from the colleges.

Q. Mostly to the colleges?

A. Yes, sir; I don't recollect more than two or three to physicians.

Q. Does your Board ever give bodies to persons or colleges outside of the limits of the city?

A. No, sir; I think not.

Q. I would like, general, if you could give us the facts, to have a list of all the bodies given away since 1889, and the colleges who secured them?

A. I will.

Q. And the names of the persons who secured them or the colleges at the next meeting. I would also like to have the date of their death, and the date the Board voted to give the body away.

A. Very well.

Q. (By MR. REED.) You have stated, Mr. Donohoe, that the records in that book have been kept in accordance with the directions of the Commissioners. Now, I will ask you if they have been kept in accordance with the facts, and in accordance with the votes of the Commissioners?

A. Yes, sir.

Q. Another book has been spoken of — a little book. I understood you to say that that is the book in which you make the minutes of the proceedings?

A. Yes, sir.

Q. And nothing is put into this book which you have here till it has been read to the Commission and approved by them?

A. Nothing put in until it is approved.

Q. And that book contains the records that have been approved by the Commissioners?

A. Yes, sir; for that period.

Q. For that period; and those records have been attested by you as correct?

A. Yes, sir.

Q. You say that you have at various times suggested to the different Commissioners that you would like to have the records read and approved, that you might place them in that book?

A. Yes, sir.

Q. But I understand you to say that the statement attributed to you by another witness that you would like to have him approach the chairman when he was in good-humor and see if something could not be done in that line was not correct?

A. That is not correct. I am not that kind of a chap. I have asked the chairman the same question, the same as I have the other members.

Q. I would like to have you turn to the record of the 20th of November.

Ald. LEE. — What year?

Mr. REED. — 1891. (After examining record book.) Look at December 2 — I think I got the wrong date. (Aftering examining record book.) I don't find what I want, so I guess I must have been mistaken. I think that is all.

Q. (By Mr. RILEY.) That is, what you meant, general, by your answer to the question asked you is, that the records kept by you at the meetings where you were present represent the facts truly? That is what you mean, isn't it?

A. The records in that book (pointing) are the acts and doings of the Commissioners, and approved by them; and I kept them and signed them.

Q. The counsel asked you if these records represented the true state of facts, and you said yes?

A. I do.

Q. Now, what you mean to say is that the records put down by you at the meetings at which you were present represent the facts truly, isn't it?

A. Everything in that book represents the facts — and not on my own authority alone, but by the approval of the Commissioners.

Q. Let us see about that. There were many meetings when you were not present?

A. There were some — not a great many.

Q. Well, there were meetings at which you were not present?

A. There was no executive session, as I term it; but there were other meetings.

Q. Well, your understanding of an executive session is that if you are absent there cannot be an executive session?

A. My idea of an executive session is when the records were read and I was present. I may be wrong, but that is my idea.

Q. So that if you happened to be absent for three months, the Board couldn't have an executive session during all that time?

A. If I am absent any length of time, a secretary *pro tem.* is appointed.

Q. There were meetings at which you were not present and some of the Commissioners would bring you the records of the meeting?

A. Business has been done when I was out of town.

Q. And who would tell you about it?

A. Oh, I would be called in frequently and told that such a vote was passed by the Commission, and for me to make a record of it.

Q. That is, they would tell you what they did?

A. Yes, sir.

Q. And you would put what they told you in the records?

A. Yes, sir.

Q. And if what they said was true, your record would be true?

A. Yes, sir. If they approved it, it was true, so far as I am concerned.

Q. You simply put down what they said?

A. Any of the Commissioners would sometimes bring me a paper and say, "This paper was laid on the table," or, "That was referred to So-and-so." Of course, I put it down in my book and made it a part of the record; and when the records were read over to them afterwards and they approved of that entry, it formed a part of the record that is in that book.

Q. (By Mr. REED.) Then, as I understand you, in those instances to which Brother Riley has referred, the record which was made was afterwards read to the Board and approved by the Board?

A. Always.

Q. And that fact is recorded in the book and certified to by you?

A. Yes, sir.

Mr. RILEY. — Yes, after some little time.

Q. (By Ald. LEE.) Your records state, do they not, what members were present at each meeting where the records were read ?

A. They do.

Q. And if only two Commissioners were present, you made a record of that ?

A. I made a record of it.

Q. You made a record of who was present when they approved the records ?

A. Yes, sir ; and if there were but two present at the time of their approval, I said so.

Mr. BRANDEIS. — I wish, Mr. Donohoe, that you would also bring these records, as well as the books of account, to-morrow.

Ald. LOMASNEY. — And I want the records of all bodies sent up for anatomical purposes. I only want the record of those sent from Long and Rainsford islands.

Mr. DONOHOE. — You want all the paupers that were delivered ?

Ald. LOMASNEY. — Yes, sir.

Mr. DONOHOE. — I can give you that.

Ald. LEE. — You only want the number ?

Ald. LOMASNEY. — No, the name of the person, where they were sent to, and the time they died.

(Adjourned, at 10.26 P.M. to meet on Saturday, December 22, 1894, at 10.30 A.M.)

EXHIBIT "T."

CHARLES RIVER IRON WORKS,
EDWARD KENDALL & SONS, 72 to 86 Main street,
CAMBRIDGEPORT, MASS., December 21, 1891.

Sold to city of Boston (Rainsford Island).

Two (2) tanks, 36 in. $\times$ 4 ft.	\$120 00
2 pop safety valves,	10 00

Received, Home for Paupers.	\$130 00
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JOHN GALVIN, *Supt.*

Approved for one hundred and thirty dollars.

THOS. L. JENKS, *Chairman.*

Paid February 12, 1892.

EDW. KENDALL & SONS.

EXHIBIT "U."

APPROPRIATIONS, LOANS, AND TRANSFERS FOR PERMANENT IMPROVEMENTS,
PUBLIC INSTITUTIONS, FROM 1852-53 TO 1893-94, INCLUSIVE.

1852-53	\$10,000 00	1878-79	\$14,300 00
1854-55	30,000 00	1879-80	35,601 37
1855-56	14,000 00	1880-81	41,800 00
1860-61	3,000 00	1881-82	16,000 00
1864-65	10,000 00	1882-83	49,243 10
1865-66	58,000 00	1883-84	9,600 00
1867-68	100,000 00	1884-85	187,502 70
1868-69	78,000 00	1885-86	104,500 00
1869-70	30,500 00	1886-87	32,000 00
1870-71	250,000 00	1887-88	43,325 22
1871-72	132,879 14	1888-89	21,000 00
1872-73	43,404 68	1889-90	9,000 00
1884-75	17,036 41	1890-91	50,000 00
1875-76	73,610 91	1891-92	60,000 00
1876-77	69,282 91	1892-93	566,500 00
1877-78	24,934 76	1893-94	200,000 00

The above is a true transcript from the records.

JAMES H. DODGE, *City Auditor.*

EXHIBIT "V."

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Ninety-four.

AN ACT

RELATING TO VAGRANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

When a person is set to work by an overseer of the poor in the exercise of the authority granted to such overseer by Sect. 2 of Chap. 84 of the Public Statutes, and such person refuses or neglects to perform such labor as the official physician shall certify to be suited to his age, strength, and capacity, such person shall, while he remains an inmate of such almshouse, be subject to such restrictions of liberty and diet as said overseer shall deem proper, and may on complaint for such refusal or neglect to any court or magistrate having jurisdiction, be punished as provided in Sect. 42 of Chap. 207 of the Public Statutes.

FIFTY-FIFTH HEARING.

SATURDAY, December 22, 1894.

The hearing was resumed at 10.30 o'clock A.M., Chairman HALL-STRAM presiding.

COMMISSIONER EDWIN L. PILSBURY. — *Sworn.*

Q. (By Mr. PROCTOR.) What is your name?

A. Edwin L. Pilsbury.

Q. You are a resident of Charlestown?

A. I am.

Q. You are a Commissioner of Public Institutions?

A. I am.

Q. How long have you been a Commissioner, Mr. Pilsbury?

A. Since February, '92.

Q. Do you remember the date in February?

A. February 6, I think.

Q. And your associates during that time have been Dr. Thomas L. Jenks and Mr. Thomas H. Devlin?

A. They have.

Q. And you have attended nearly, if not quite all these hearings, have you not, Mr. Pilsbury.

A. I have.

Q. And have heard the testimony?

A. I have.

Q. During your term as a Commissioner, Mr. Pilsbury, what has been the principal work of the Commission?

A. The general conduct of the affairs of the Board.

Q. Yes, but I assume from what I have heard here that many changes have been made in buildings here and there and elsewhere?

A. Very extensive changes have been made in buildings.

Q. Now, can you state to the committee when you went on the Board where the Truant School was?

A. On Deer Island.

Q. Is there a place being prepared for it now?

A. There is, at West Roxbury, to be known as the Parental School.

Q. How soon will that be complete?

A. The Board trust it may be complete within a month or six weeks.

Q. That will remove the boys of the Truant School and the House of Reformation from Deer Island?

A. It will remove the boys from the Truant School.

Q. Where is the House of Reformation?

A. On Deer Island.

Q. Where is it intended to put it as soon as the new building on Long Island is ready to receive the poor now at Rainsford?

A. On Rainsford Island.

Q. That would take them entirely from Deer Island?

A. It will.

Q. And leave nothing on Deer Island but the House of Industry?

A. Very properly.

Q. That, I suppose, will give you more room at Deer Island?

A. Considerably more space.

Q. Well, I have heard something about the Pierce Farm and the Austin Farm, Mr. Pilsbury; what has been done and what is being done there?

A. At the Austin Farm just prior to my entrance upon my duties as a Commissioner there was completed a dormitory building for the use of men which has been occupied since I became a Commissioner, and since that time during the two years last past there have been erected two other buildings for dormitory use and a large building known as the combination chapel and dining-room.

Q. That is at Austin Farm?

A. That is at Austin Farm.

Q. And that is to be used?

A. For the insane.

Q. That is, they have been removed from South Boston to Austin Farm?

A. In part. There are still remaining some at South Boston.

Q. Well, it is intended, is it not, to take them all from South Boston?

A. It is, in the near future.

Q. Well, the Pierce Farm is used for what, or is to be used for what?

A. The Pierce Farm is adjacent to the Austin Farm, very near.

Q. Well, it is a part of the same plant?

A. Practically a part of the same plant. There have been erected two large buildings there for the use of the insane.

Q. Yes. In what year were they erected?

A. During '93 and '94. They are almost ready for occupancy. I would add that there has been another building also erected which is for domestic purposes.

Q. (By Mr. BRANDEIS.) Called what?

A. Known as the Domestic Building — power-house and plant for heating and cooking, etc.

Q. (By Mr. PROCTOR.) Have you in mind the figures of the amount spent for permanent improvements by your Commission during the last five years under the appropriations made by the City Council?

A. Nearly if not quite a half million dollars — rather in excess, I think, as a whole.

Q. You mean that is during your time?

A. During my time.

Q. You don't go back of that — you know nothing about that?

A. No, sir. I might mention that included in that is the expenditure of \$60,000 for the addition of 376 new cells at Deer Island.

Q. Well, at Deer Island have you now enough cells for all your prisoners there?

A. For only about two-thirds of the male prisoners.

Q. I see that in some recommendation made by somebody or other the "Loafers' Hall," at Deer Island, so called, ought to be abolished. What have you to say with respect to that?

A. I agree with it fully.

Q. Well, why is it not abolished, if that is your notion?

A. Because we have not dormitory accommodation — that is, cell accommodation — for all the men.

Q. Well, if you had cell accommodation for the men furnished by the City Government what would become of that place called the "Loafers' Hall"?

A. Abolished decidedly. The principle is wrong.

Q. I have asked you something about the Parental School at West Roxbury. What has been done there?

A. A dormitory building on the cottage system with accommodations for about forty has been erected. That is ready for occupancy. A

power-house and all that goes with it has been completed, and at present a system of drainage is being constructed, which is the cause for delay in occupying those buildings.

Q. How much of an expenditure have you made out there?

A. The appropriation was \$125,000 and a large portion of it has been expended. It is intended to add to the plant from time to time as necessity requires.

Q. (By Mr. BRANDEIS.) And the matter of drainage is the cause of delay in removing the inmates to West Roxbury?

A. Yes, sir.

Q. From South Boston?

Mr. PROCTOR. — No, the truants.

Q. (By Mr. BRANDEIS.) The cause of delay in removing the truants?

A. From Deer Island to the Parental School; yes, sir.

Q. (By Mr. PROCTOR.) During your time, Mr. Pillsbury, what has been done at Long Island in the way of new buildings?

A. When I became a Commissioner the inmates of Long Island were housed and cared for altogether in one building, a brick building, erected, I think, in 1886 or 1887. They were in that building, all sexes and ages and conditions, and there was about completed when I came into the Board a hospital wing which was occupied shortly after, and to that has been added a second and a third wing with an administration building, and there has also been constructed a dormitory building for the accommodation of women, which is completed.

Q. How many buildings, then, and how much money has been expended during your term as a Commissioner on Long Island?

A. I should say upwards of \$150,000 to \$200,000. That would be including the first wing of the hospital. I include that whole plant.

Q. That wasn't completed until after you became Commissioner?

A. Wasn't quite finished — giving accommodations for about 1,350 people upon Long Island.

Q. How about the barn — the new barn at Long Island?

A. A very excellent barn has been erected, a very nice barn.

Q. Well, is that since your incumbency as a Commissioner?

A. During my incumbency; yes, sir. I may add that one more building has been erected — a small building, but very essential, a morgue.

Q. Well, that had been recommended to the City Government by the Commissioners previous to its erection?

A. Oh, yes, indeed.

Q. For a number of years?

A. Yes, sir.

Q. Now, is there a work-house at Long Island, Mr. Pillsbury?

A. There is not.

Q. Where is the work-house, so called?

A. At the House of Industry at Deer Island.

Q. That, I believe, was arranged for under a special Act of a good many years ago. Are there any commitments made to Long Island?

A. None.

Q. Is there any work-house authorized at Long Island as far as you have been informed?

A. None to my understanding.

Q. The present superintendent, Dr. Cogswell, you have been acquainted with how long?

A. Since 1889.

Q. You were then in what position — in 1889?

A. I was a member of the Board of Health.

Q. And he was connected with that department?

A. In charge of the quarantine.

Q. He was appointed, I believe, superintendent of Long Island by your Commission in the spring of '93. Do you remember the circumstance of his appointment?

A. I remember that at the time of his appointment it was when the cholera epidemic was imminent and there was fear that it might be introduced into this country, and the Board of Health through its chairman objected to the change, because he felt, as he expressed it, that Dr. Cogswell's services would be very valuable at quarantine; and at that time we agreed that, in the event of the occurrence of that epidemic, we should excuse Dr. Cogswell so that he might assist or take charge of quarantine.

Q. That is, temporarily?

A. Temporarily.

Q. And he came to you as superintendent of Long Island under that express stipulation on your part?

A. He did.

Q. There has been complaint and much talk since the beginning of these hearings, Mr. Pilsbury, with respect to the lack of classification at Long Island. What have you to say? What classification have you there?

A. All the classification which it is possible for us to make; namely, as far as possible the sexes are kept apart: the sick are separated from the well; the infirm are separated from the sick, and children — all infants with their mothers — are separated from adults.

Q. And those separations are as complete as they could be with the present plant and buildings which you have there?

A. They certainly are.

Q. When the new building is completed, will the separation be still better?

A. Much better.

Q. I will ask you now with respect to one special thing, for fear I might overlook it. McCaffrey, when he testified, swore that he saw Smith drunk on Long Island on December 7, that that was the last time he saw him there in that condition. Now, McCaffrey also testified that he left the island on the 7th of December. Did you ever hear McCaffrey make any statement with respect to the times that he had seen Smith intoxicated at Long Island?

A. I did.

Q. Where was that?

A. At a hearing upon the matter of the drunkenness of Mr. Smith.

Q. Before you as a Commissioner?

A. Before one of my associates and myself as a committee from the Board.

Q. At that time was McCaffrey put under oath?

A. He was.

Q. At that time did he testify that Smith was intoxicated on Long Island on the 21st of May and the 22d of December?

A. He did.

Q. He now testifies that he wasn't on Long Island Sundays, excepting when Dr. Cogswell was away in October, and a reference to the calendar indicates that the 21st of May was Sunday.

A. That is a fact.

Q. Do you know Smith's handwriting?

A. I do.

Q. Will you examine that? (Handing letter to witness.)

A. That is in Mr. Smith's handwriting.

Q. Did you receive that letter from him?

A. I did. (Reading:)

CITY OF BOSTON.

HOME FOR PAUPERS, LONG ISLAND,

BOSTON HARBOR, January 5, 1894.

HON. E. L. PILSBURY:

DEAR SIR: In regard to the statement made by Mr. McCaffrey, that on the 21st of May last he saw me in the receiving-room overcome by liquor, now he could not have done so, as he was not on the island that day, and I have proof to that effect.

Respectfully,

ARCHIE F. SMITH.

Complaint has been made, Mr. Pilsbury, that the paupers at Long Island are not made to work. With respect to that, did you know of the opinion given by the Corporation Counsel in 1892 to Mr. Morison?

A. I did, sir.

Q. And that it was doubtful if there was any authority to make them work at Long Island?

A. It certainly was, most unfortunately.

Q. Was that the authority upon which you relied in the course which the Commission took, so far as you were concerned.

A. It was so far as I was concerned. That was early in my association with the Board. Naturally I would depend upon it.

Q. Of course. I believe we all agree that it is a desirable thing to have the paupers employed.

A. I certainly agree to it.

Q. What would be the necessities of the case at Long Island if the paupers were to be employed, with respect to work-shops?

A. Necessary to obtain an appropriation from the City Government which would enable us to erect the same, construct and equip.

Q. You could not build work-shops and equip them, even if it were the law that you could employ them, without an appropriation from the City Government?

A. We could not.

Q. No matter how much they might thereafter add to the revenue of your department?

A. Could not.

Q. And reduce the appropriation for the maintenance?

A. Could not. I might say there, Mr. Proctor, that the annual appropriation is made for specific purposes.

Q. Yes, and you are obliged to use it for those purposes?

A. We are.

Q. Well, has the Board, during your incumbency as a Commissioner, been employed in making improvements in buildings and plants and various departments of the department, and has your time been pretty thoroughly taken up with that?

A. Certainly it has; more extensively, I think I may safely say, than any of our predecessors have been — not to the discredit of our predecessors, but because we have had the appropriations, as far as they went.

Q. But your appropriations have been made for specific purposes?

A. Specific purposes all of them, and we cannot take, Mr. Proctor, from one appropriation to apply to another without coming to the City Council.

Q. I assume, in view of the statements which you have made as to your views on the subject, that when the imperative necessities of the department in the way of buildings have been taken care of, you would then be ready to take care of these other things in which you believe?

A. Be only too happy to have the opportunity.

Q. Some complaints, Mr. Pilsbury, have been made about the food. How does the Commission purchase food?

A. Twice a month requisitions are made by the superintendents, and at the same time, on the 1st and 15th, bids are received from the dealers in the various articles, particularly subsistence and upon competition, and the lowest bidder, all else being equal, sells the goods to the department.

Q. How is he paid — is it a sale for cash?

A. Practically cash.

Q. How soon does he get his money?

A. Within thirty days.

Q. That is, there is no long term?

A. None.

Q. Does that assist in getting low bids?

A. Very materially, because we are large buyers and payment is assured.

Q. Now, I think Dr. Newell said something about Dr. Jenks doing all the buying. What is the fact with respect to that? Has Dr. Jenks been willing that the other Commissioners should do the buying if they wished?

A. He has been. And as a fact the chairman does all the buying.

Q. But has he not stated to you and Mr. Devlin that if you wished to do the buying you might do it, but he would like to merely finish one month — that is, the current month, in which he was buying?

A. No, sir; that statement was not made during my incumbency. I heard that it had been made, but it would be hearsay evidence.

Q. That statement, you understand, was made before your incumbency?

A. Yes, sir.

Q. Well, the doctor has been directed by a vote to purchase, as I understand it — or by agreement.

A. By agreement.

Q. Have you ever at any time inspected or investigated as to the quality of the subsistence furnished?

A. I think when I became a member of the Board I visited the various institutions, and made it my particular business to examine the goods and the qualities of the goods.

Q. Well, what was the quality then?

A. The same as it is to-day.

Q. Well, what was it, good or bad?

A. Good.

Q. Have you ever made any investigation upon any complaints made by any person that the quality of food was not good?

A. I have.

Q. Do you remember when you ever made such an investigation?

A. I couldn't state the date. I think it was '93. I made a report upon it at the time.

Q. Will you examine that paper? In whose hand writing is that?

A. Mine.

Q. Was that a report drawn up by you?

A. It was.

Q. What investigations did you make, or does the report itself show?

A. The report itself shows.

Q. Then I can save time by putting in the report.

OFFICE OF COMMISSIONERS OF PUBLIC INSTITUTIONS,

No. 14 BEACON STREET, BOSTON, August 29, 1893.

DR. THOMAS L. JENKS, *Chairman, Board of Commissioners of Public Institutions:*

DEAR SIR: Your committee, to whom was referred "The verbal complaint of poor food furnished and poor management of the inmates at Long

Island, made by Mrs. Alice N. Lincoln" have investigated the same and report as follows:

Concerning the quality of the food, a general inquiry among the inmates fails to substantiate the complaint, and an examination of the materials used shows them to be of good quality and fully up to the standard in all our institutions, of which it has been elsewhere officially stated that "the quality of the goods is as a rule acceptable, and well suited for the institutions." The particular complaint was found to be against the fish chowder, and diligent inquiry led to the discovery of the originator thereof, who finally stated that he "did not like cusk anyway."

Q. So cusk was the basis of that fish chowder?

A. Yes, sir.

Q. One inmate said that the molasses was not good, but the statement was qualified by the assertion that he "disliked molasses on his rice." An examination of the molasses proved it to be of good quality.

The complaint that "the dishes are not washed clean" may have been based upon the appearance of specks in the ware, but the committee found no dishes which were ready for table use which were not perfectly clean.

In relation to the daily taking out-of-doors of the children, nearly all of the mothers and women in charge of the infants stated that they were taken out nearly every day.

Whenever the women are out for exercise, they are, very properly, accompanied by a matron.

Close inquiry elicited the fact that all the mothers, as well as women in the infirmary, were out on the day of the committee's visit and upon five of the six days preceding — that is, all who desired to go. For a few days previously, the matron being ill, the outings were less frequent.

Of the forty-four women in Ward 6 infirmary, the matron stated that but seven are capable of doing anything, and though fully aware that they may go out of doors daily they prefer to sit in their chairs in the ward, while but few can be persuaded to go out.

No complaint of the defects alleged had been made by the inmates to the officials of the institution, thus giving an opportunity to them to remedy the same had such existed.

The committee feels that all of the officers and attendants exercise, case, and patience in the performance of their duties, particularly those who have to do with the sick, the feeble, and the helpless.

It is the opinion of the committee that the complaints were groundless, and it is therefore recommended that they be dismissed.

Respectfully submitted,

THOMAS H. DEVLIN.

EDWIN L. PILSBURY.

Has the quality of the food been a matter concerning which you knew all the time during your incumbency as a Commissioner?

A. It has.

Q. What do you say — have you often visited the institutions?

A. Very often.

Q. How often?

A. Well, more particularly the institutions in the harbor, and those institutions several a week.

Q. Well, I was only referring now to the institutions which have been made the subject of inquiry here — Long Island, Deer Island, Rainsford Island, and the House of Correction. How often have you visited those institutions?

A. I have visited, as I stated before, the institutions in the harbor very frequently, the House of Correction less frequently than the others.

Q. Well, have you often made examination of the food in process of being cooked or already cooked?

A. Very often — not alone when I have seen it upon the tables, but I have gone into the storerooms and looked into the refrigerators.

Q. Well, what do you say as to the quality of the meat?

A. I say the quality of the meat is excellent.

Q. How is that bought?

A. Bought by contract. An annual contract is made in the spring of the year under competitive bids.

Q. By a vote of the Board?

A. By vote of the Board. We advertise for bids and they are opened in the regular process, and the contract awarded to the lowest bidder, he being a responsible party.

Q. Well, what do you say as to the food in the institutions during your incumbency as a Commissioner?

A. I believe that the food has always been good. There may have been some exceptions when, as in your house or mine, it might not have been cooked as well at one time as another. But the raw material has always been of good quality, and if it were not of good quality it has been the fault of the superintendent that he has not returned it to the source whence it came. Those have been their instructions always.

Q. Well, I suppose you have often tasted of the food?

A. I have.

Q. What has been its quality as a food?

A. I have been very well satisfied. Last week I ate a bowl of the fish chowder there. It wasn't known that I was coming to the island, and I, being hungry, enjoyed it and ate it all — and it was made of cusk.

Q. With regard to the House of Correction, Mr. Pilsbury, I suppose that you don't regard that as a suitable building?

A. I certainly do not, sir.

Q. And none of the Commissioners so regard it?

A. None of them do, present or past Commissioners, if you may believe the reports and recommendations which they have made.

Q. Well, you think there ought to be a different one — a larger and more suitable one?

A. I do.

Q. How is it — over-crowded now?

A. Very much over-crowded. There are about 476 cells, including the hospital, with a population of 650 to 700.

Q. Well, Deer Island — is that crowded too?

A. It is — about 767 cells there, I think, and I didn't see the morning report which we usually receive on Saturday, but I should think there were from 1,200 to 1,300 men and upwards of 300 women. I might say there, Mr. Proctor, that the Commission endeavored to remedy that defect at Deer Island some time ago when they asked for an appropriation for building, for new cells, and had the law remained as it was then and the commitments continued in the way in which they were being made when our cells were completed we could have housed all our men in cells. But with the change in the law in July, 1893, our commitments increased 500 in six weeks, and we were as badly off when we had our new cells as we were in the beginning. Of course we are not responsible for the law.

CROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Pilsbury, you state that to Dr. Jenks was committed the buying for the institutions. What was the division of labor in other respects among the Commissioners?

A. That was the only division. Mr. Brandeis — believing that the buying could be better done by one than when distributed. The other matters were managed in general.

Q. Now, the other expenditures — I mean the expenditures on buildings, either on new buildings, or for repairs or improvements on old buildings — those were matters within the province of each of the Commissioners?

A. Yes, sir.

Q. And upon which each of the Commissioners were consulted?

A. Consulted.

Q. And of which they —

A. Had knowledge.

Q. Had an equal amount. During this past year your Board, under the report of the Board of Visitors incorporating Chief Egan's report as to the absence of fire appliances at Rainsford Island, made certain improvements in fire appliances or additions to fire appliances there which he recommended. Do you recall the date when that was done?

A. No, I do not, Mr. Brandeis. It is in the record.

Q. Beg your pardon?

A. I think it is in evidence — I wouldn't attempt to say just when it was.

Q. Well, you remember Chief Egan's report?

A. I do.

Q. In which he stated practically that there was an entire absence of fire appliances at Rainsford Island, didn't he?

A. He stated so, I believe. I don't remember the exact language.

Q. And the Mayor transmitted that report to you, or transmitted the Visitors' report, with a request that you should carry out the recommendations of Chief Egan in regard to fire appliances?

A. He did.

Q. And I presume you did so?

A. Very glad to do so, as he authorized us.

Q. And that was done shortly after, I presume, the letter was received by you?

A. As soon as it was possible.

Q. Now, what was the cost of these improvements, of these fire appliances, which you put in at Rainsford Island?

A. What was the cause of it?

Q. The cost?

A. Oh, the cost — I do not know, Mr. Brandeis. We considered the cost of the two practically together. It was all the same class of work very largely.

Q. You mean the cost of Rainsford and Long Islands?

A. Yes, sir.

Q. That is, Chief Egan made a similar report in regard to the absence of fire appliances at Long Island?

A. A similar report. For instance, standpipes to be put in both buildings, and hose and connections — all a part of the same contract.

Q. And the conditions were substantially the same in each place?

A. In that particular very much the same.

Q. Then you are able to give me the cost of the fire appliances for the two islands?

A. Well, I can't say that I am, Mr. Brandeis.

Q. Well, I mean approximately — I don't care within a few dollars.

A. I should say some \$2,500.

Q. Two thousand five hundred dollars covers the cost entirely at the two islands?

A. I think it would.

Q. Now, these fire appliances, this \$2,500 — if that was the amount — was charged to what fund?

A. We were authorized by the Mayor to pay for it from our appropriation.

Q. Yes, and that you conceived to be within the ordinary powers of the Mayor?

A. The letter is on file in our office.

Q. You, of course, are familiar with the reports of the Commission, I mean the printed reports of the Commission, from the beginning, not

only during the time in which you were Commissioner, but also from the commencement of the Commission in '89?

A. Well, somewhat. I have looked at them.

Q. Yes, and isn't it a fact that in no report of the Commissioners has the necessity of fire appliances at Long Island or at Rainsford Island been mentioned?

Mr. PROCTOR. — Those reports have been put in, have they not?

Mr. BRANDEIS. — I presume they are in; yes.

Mr. PROCTOR. — The reports, then, speak for themselves.

Q. (By Mr. BRANDEIS.) I ask Mr. Pilsbury a question. He may certainly answer that question.

A. I could not state positively that no such recommendation has been made, but I do not recollect that it has.

Q. So far as you know no such recommendation has been made by any Board of Commissioners at any time?

A. I don't recollect it, sir, I have to depend upon the reports.

Q. And so far as you know no request was made by the Commissioners for an appropriation for such purposes outside of their reports?

A. No, I think not.

Q. Now, the necessity for such fire appliances, and the danger of leaving the inmates exposed to fire, was called to the attention of the Commissioners at various times, was it not?

A. Shortly, or some time, I think, after I became a member of the Board. My first knowledge that any suggestion was made, was, I believe, through Mrs. Lincoln, through the public prints.

Q. Well, hadn't the suggestion been made by Mrs. Lincoln in the public prints, even before you were appointed?

A. Well, I couldn't answer as to that, Mr. Brandeis. I ought perhaps to take an interest in such matters as a citizen, but I was connected with another department which consumed my time, and I don't recollect it. I may have read it.

Q. You do not recollect the articles which appeared as early as 1890 and in the summer and fall of '91, some by Mrs. Lincoln and some by others — articles that appeared in the "Post" and the "Herald," which have been referred to in this testimony, calling attention to the danger from fire to the inmates at Rainsford and Long islands, I think principally Rainsford Island?

A. I do not. I don't recollect that. I don't mean to say that I doubt that they were published.

Q. Well, now, the first recollection you had was when you naturally, in the course of your duties, gave attention to this matter — shortly after your appointment in 1892?

A. Some time after.

Q. Well, now, besides these articles in the newspapers to which I have referred and the suggestion from Mrs. Lincoln, this matter was also called to the attention of the public and your Board by the Special Committee appointed by Mayor Matthews in '92, was it not?

A. It was.

Q. Nothing, however, was done during that year by you — the year '92?

A. Nothing was done, nothing that I recollect, except that water pails and such other ordinary appliances were added, I think.

Q. In the beginning of '93, in February, '93, the matter was called very extensively to the attention of your Board and the committee by the disaster in the almshouse in New Hampshire, was it not?

A. Yes, sir.

Q. It was the occasion, also, I think, of some communication from the Mayor, and the matter was even discussed in the City Council, I believe?

A. It may have been, Mr. Brandeis.

Q. But you remember that articles appeared in various papers, in the "Globe," in the "Herald," in the "Transcript," describing vividly the danger of fire to the inmates there, to the infirm and to the sick, resulting from the absence of these fire appliances?

A. In all institutions?

Q. In the institutions at Long Island and Rainsford Island particularly, do you not?

A. I don't remember the application there, but that may have been so. There has been so much said and published that my memory, I am afraid, would fail me if I endeavored to recall it all.

Q. Merely with a word. I want to locate it.

A. I remember very well the disaster in New Hampshire where so many lives were lost by the inmates being locked in their rooms, making it impossible to escape.

Q. And that fire in New Hampshire was an occasion for the renewal of the complaints or suggestions which had been made by Mrs. Lincoln and the Board of Visitors and others previously, and attention was then called to the fact that no provision was made for remedying the defects and averting the dangers to which attention had been called before, was it not?

A. That may have been so.

Q. That is, you remember, do you not, the first revival of the subject in 1893 — an article entitled "Our own pauper fire-traps"?

A. Yes, sir; I recollect it.

Q. Which appeared in the "Transcript"?

A. What date was that under?

Q. February 16, 1893 — and then an article which appeared in the "Beacon" on February 18, 1893?

A. Yes, sir; I recollect that.

Q. And the article which appeared in the "Sacred Heart Review," of February 25, '93?

A. I don't remember that.

Q. You remember that, do you not?

A. I do not sir.

Q. Don't you recall the article in the "Sacred Heart Review"?

A. I do not.

Q. I will read it, as it is short one:

Mrs. Alice N. Lincoln, in a letter to the "Transcript," tells some very ugly truths about the way in which Boston's dependent poor are taken care of. We were all greatly shocked by the fire at Dover, N.H., last week, and the burning of thirty or forty insane paupers. Yet we have in Boston, on Rainsford Island, every facility for just such another horror. In the old small-pox hospital there fifty-six sick women are kept. Mrs. Lincoln speaks calmly and with no attempt at working up a sensation, yet her description of the place, its foul and unhealthy condition, and its great dangers, is enough to make the whole city blush with shame.

A. I have no recollection of having read that article, Mr. Brandeis.

Q. And don't you remember that at that time, in addition to the absence of fire appliances which was referred to in these various articles, that there were the suggestions which had been made as to the total absence of a fire drill at the institution?

A. Didn't Mr. Egan speak of that?

Q. I beg pardon?

A. Mr. Egan spoke of that, did he not?

Q. Yes, he spoke of it in a report he made to the Board of Visitors, but I ask you if you do not recall the fact that the same matter was called to the public attention at the same time when this New Hampshire horror filled the public mind?

A. I don't remember it, but I wouldn't deny it.

Q. Perhaps I will call attention to a part of this article, entitled "Why not a fire drill for institutions"? You will remember that there was some discussion that appeared in the public prints at that time, and this was in the "Transcript" of February 24, 1893:

From time to time the public is startled and horrified by some such calamity as the Dover holocaust. When the shudder seizes us we naturally ask, Could nothing have been done to save the poor beings from such frightful tortures? A more practical question would be, Could not something have been done to prevent it? The writer does not think the wooden building should be taken into account very much, for we find that new brick and stone fire-proof buildings here in Boston withstand the most determined efforts of skilled and experienced firemen to avert destruction. Suppose the Dover structures had been brick three or four stories high, full of patients, the results would probably have been vastly more appalling to contemplate. It does not appear that there had been any detailed orders given or specific plans made for the rescue of the poor helpless beings in such an emergency. No fire drill among the officers, no fire organizations, no positions assigned them, to be instantly taken at the first sound of the alarm. It is reasonable to suppose that if proper precautions had been taken in anticipation of fire, many, if not all of the wretched victims, might have been saved their hellish tortures. A pertinent home question thrusts itself upon us, *i.e.*, Is Boston doing any of the things which seem to have been so fatally neglected? We have somewhere about 4,000, perhaps more, inmates in the various public institutions of this city, housed in nine or ten buildings of wood and brick, some of them three or four stories high. Is there any fire drill or other precaution taken for immediate and organized attack of fire? Or systematic orders given and arrangements made for the instant and orderly exit of the inmates? Is any plan laid down for the speedy removal of the helpless sick? The writer is afraid that all these questions must be answered in the negative. If so, should not those in authority be called upon in the name of humanity to apply a suitable remedy with the least possible delay?

Don't you remember, Mr. Pilsbury, that article which appeared as one of the series, signed "Prevision"?

A. I don't recollect it, but the tenor of it is in accord with the spirit of most of the articles written at that time in general.

Q. And it is also in accord with the recommendation made by Chief Egan a year later?

A. Yes, sir.

Q. And it is a fact, Mr. Pilsbury, which I think Dr. Cogswell testified to, that no fire drill has yet been organized at Long Island?

A. Well, if he did testify to that fact then I am greatly mistaken, because the facts have been otherwise.

Q. When was a fire drill organized there?

A. Immediately. I recollect that immediately after a fire pump had been connected and the standpipes placed in position with the hose —

Q. That is, shortly after the beginning of this investigation?

A. Yes — that we went down there one day and an alarm was given and the hose and the pump and everything was manned instantly and a stream was on and over the building, and out of the various windows in less than two minutes, I should say, and I understood Dr. Cogswell at that time that every man had his station assigned.

Q. Well, don't you remember, Mr. Pilsbury, that when he was on the stand here and under cross-examination he said that after that time fire rules had been prepared and posted up in the building?

A. Yes, I recollect that.

Q. But that the fire drill had not been instituted?

A. No, I do not recollect that he made that statement, Mr. Brandeis, and I should be surprised at the statement, because I considered that there certainly was a fire drill.

Q. Well, now, Mr. Pilsbury, you stated that until Chief Egan made this report at the request of the Board of Visitors, and this was sent to you by the Mayor, nothing whatever had been done by the Commissioners, no notice had been taken by the Commissioners, so far as action was concerned, of any of the various suggestions made by the committee, by the Board of Visitors, and by Mrs. Lincoln and others earlier than that in regard to the dangers of fire. That is a fact, is it not?

A. I won't say that no notice was taken, but you mean no action?

Q. I mean so far as action is concerned — no action was taken?

A. I won't go quite so far as that, because I know additional water pails were furnished, fire pails, so termed, quite a large number, and placed in position.

Q. But aside from the sending down of the fire pails nothing was done, except that you did procure, I believe, two years ago a pump, which was put in?

A. Yes.

Q. But that pump was never, as a matter of fact, connected until after Chief Egan's report was sent to you by the Mayor?

A. Oh, I might say there that the pump was not put in for ornament but for use, and that these connections as a natural result would follow the placing of the pump there even without Chief Egan's recommendation.

Q. Yes, but the pump had been there more than a year, hadn't it before it was connected?

A. I think not more than a year, but it was there quite awhile and not connected.

Q. And this pump was already referred to in your report for the year '93, wasn't it?

A. Yes.

Q. That is, which appeared February 1, '93, and it wasn't connected until sometime after your report of February 1, '94?

A. If you have connections, Mr. Brandeis, and have all the pumps and fire hose in the world, you must have water in order to make them useful.

Q. I say nothing was done but the beginning in that respect?

A. Nothing but the beginning.

Q. And what did that pump cost?

A. I couldn't say exactly, but I have an impression somewhere about \$350. Might I say — excuse me — in connection with the fire-pump, if you have not it clearly in mind, that there was one pump there, but it was too small to serve the entire purpose we desired to accomplish. But with that small pump we could put a stream and did put several streams over the building.

Q. But that is what Chief Egan declared to be utterly insufficient, didn't he?

A. The small pump?

Q. Yes. You had that when he was there, and yet he declared —

A. Both pumps were there.

Q. And yet he declared the appliances to be absolutely insufficient?

A. They certainly were when not connected with standpipe or hose.

Q. And the language he used in regard to the absence of the fire appliances was very strong indeed, wasn't it?

A. Well, it was positive.

Q. Well, I mean not only positive, but it was strong, wasn't it?

A. I think I may safely say it was strong.

Q. Yes. Now, you said that there was an absence of a supply of water, and that we have heard quite a good deal of.

A. A much-deplored absence.

Q. I want to call your attention to Dr. Cogswell's testimony, which

the chairman has kindly pointed out to me. I was questioning him in regard to Chief Egan's report and the question was: "Then he says, 'There are seven or eight hundred inmates, male and female, on this island, and out of that number the officers might pick out enough men to have a fire drill once or twice a week, and by that means perfect themselves in the use of fire appliances, which would place them in a position to direct, should a fire occur.' Has that been done?" His answer was: "We have not organized any fire brigade as yet; no, sir.

"Q. Have not done anything in that respect?

"A. We have had five drills of the officers, but not the inmates." I said, "Yes, and you have posted up some fire rules since that time?" and then he said, "My impression is that they were posted up before he was there."

A. I think, Mr. Brandeis, I was correct, and I believe the control of the fire apparatus should be in the hands of the officers, and that every officer should have his station — not be dependent upon the paupers.

Q. That is, you don't believe in following the advice of Chief Egan in regard to organizing a fire brigade of officers with the men under them?

A. Well, that is a qualification. I believe it should be in charge of the officers, and whatever assistance might be auxiliary on the part of the inmates, well and good; but I don't believe in depending on the paupers. I believe the officers should have each their station, as is the fact at Deer Island. I would like to say, Mr. Brandeis, so far as my interest in the matter of fire is concerned, that when Dr. Cogswell first came to the department I spoke to him in relation to the matter of a fire drill and of his officers being appointed to stations.

Q. But he had done nothing about it, although you had mentioned the matter to him?

A. Oh, yes, sir; he had with the officers but not with the inmates.

Q. Well, hadn't done anything with the officers prior — this is since Chief Egan's report that he has done it. There is nothing here to show he did it before?

A. Well, I certainly supposed he had done it.

Q. Well, let us see what Chief Egan says: "In main building there are about 150 feet of half-inch rubber hose to connect to faucets in wash-rooms, the same being minus play-pipes. There is not an axe or rake on this island for fire service. There are seven or eight hundred inmates, male and female, on this island and out of that number the officers might pick out enough men to have a fire drill once or twice a week, and by that means perfect themselves in the use of fire appliances, which would place them in a position to direct, should a fire occur." Then he suggests automatic sprinklers and the like. Now, by that reference you take it that Chief Egan does not mean that any of the inmates or any of the other persons but the officers should be drilled?

A. Oh, no — I take him at what he stated, that he thought it would be a good plan, and I agree with him, Mr. Brandeis.

Q. You agree with him?

A. But I think the inmates should be auxiliary. I believe the officers should have their stations which they should always respond to in case of an alarm of fire.

Q. Isn't it a fact that Chief Egan calls attention to it and that the thing he recommends did not exist at that time?

A. I certainly supposed that so far as the officers were concerned it did exist.

Q. Now, doesn't Dr. Cogswell's answer show pretty clearly in regard to that? After I put the question to him, "Has that been done?" referring to the various recommendations of Chief Egan, and he said, "We have not organized any fire brigade as yet; no, sir." I asked him,

“Have you done anything in that respect?” He said, “We have had fire drills of the officers, but not the inmates.”

A. Well, that is the point I make, sir.

Q. That is since the time Chief Egan's report came in?

A. You may call it a fire brigade or not, as you choose, but if they had not had fire drills certainly men had been taught what their stations were and what to do. I think that was certainly one step in the right direction, if not complete.

Q. Certainly. But what Chief Egan advocated then is what some public-spirited citizen who calls himself “Prevision” advocated just a year before, at the time the New Hampshire horror filled the public mind.

A. You understand, Mr. Brandeis, that I take no exceptions to that.

Q. Now, I was going to ask you in regard to the water-supply, and I started to put a question — whether it is not a fact that the supply of water, I mean the city supply of water, was introduced in May or June, '89?

A. I so understand it, Mr. Brandeis.

Q. Mr. Lincoln calls my attention to August 22, '89, as the exact date?

A. I knew it was '89, — I didn't know the time of year.

Q. This city supply is furnished under what conditions?

A. The water department established the plant — that is, put in the pipe, connections at a cost of about \$50,000 upon which the Commissioners of Public Institutions pay five per cent., or \$2,500 a year, and they agreed to furnish us with water at \$2,500 a year for Long Island. Then — shall I go on and complete that statement, Mr. Brandeis?

Q. Yes.

A. Having established that plant and the institution at Long Island, paying \$2,500 a year, it was supposed that it was for the exclusive use of Long Island, but that pipe, that main, has been tapped a number of times — for Gallop's Island, Rainsford Island, Fort Warren, and Thompson's Island, and one other supply, I think, had been taken from the supply before reaching Long Island.

Q. Then Long Island was practically last?

A. Almost last; yes, sir.

Q. Then consequently the charge against Long Island for that water-supply has been correspondingly reduced?

A. It has not. I believe it should be.

Q. Well, has it not?

A. It has not.

Q. If you will look at the report for '90 to '91, the Commissioners' report, on page 5 of the report, you will see that the whole charge for water for Rainsford and Long islands is only \$1,289.87.

A. For what year? Of course that was prior to my time.

Q. Yes — '90-'91, those two years, after the establishment of this plant. The total charge for the two islands is less than thirteen hundred dollars?

A. Well, I don't know what that may be based upon, but isn't that the report for the year 1889-90, the report made in '90? The annual report of the executive department of the city of Boston for 1890? If they didn't begin to take water until August, '89, there certainly couldn't be a charge of \$2,500 for a year's supply, but it would only be for six months or a little more.

Q. That would be for six months?

A. The first six months or thereabouts.

Q. Well, has it been charged against Long and Rainsford islands, the whole charge of this pipe, which has distributed all around?

A. Well, it has been charged against Long Island, you know, and an additional sum added for Rainsford recently. I don't know just what we pay for that. You will find that by our annual report.

Q. But this is the report of January 1, '91 — wouldn't that take in the whole?

A. January 1, '91?

Q. I can show you the report for 1889 to '90?

A. Well, that would settle it perhaps more readily.

Q. Is that the fact, Mr. Pilsbury — do I correctly state it that that is the amount charged for '91 — less than thirteen hundred dollars?

A. I have lost my place, Mr. Brandeis.

Q. It is on page 5 of your report.

A. Page 5.

Q. There it is, water, \$1,289.87.

A. Well, I wouldn't attempt to explain it, Mr. Brandeis, because I don't know. I tell you what the facts are to-day and since I have been a member of the Board.

Q. Now, if you will look at the report for '89 you will find on page 9, that the amount charged for water is only \$598. That is during the time in which, as you say, there was a half-year's supply, about a half-year's supply.

A. I wish they didn't charge us any more to-day, Mr. Brandeis. We would have more money to spend in other directions.

Q. Well, isn't it a fact, Mr. Pilsbury, that this charge of \$2,500 is distributed over the various islands?

A. Oh, no, sir. If you desire to know, Mr. Brandeis, and I cannot tell you the exact amount, why can't you look at the last report and find out what was charged for Rainsford Island?

Q. Is it there?

A. It ought to be.

Q. Deer Island doesn't get it?

A. No; it comes from the other side — Moon Island.

Q. Now, Mr. Pilsbury, if you have time, will you look at your books and see how that charge is made up?

A. I will try to ascertain it.

Q. Now, in addition to this sum that you pay the city as interest on the plant, an equivalent of interest on the plant?

A. Yes.

Q. Your other charge for water is what?

A. No charge to the Water Department. The only bill the water department has against us for water is in connection with that supply.

Q. And the balance of the charge is made up in what way, of what appears charged for water?

A. Of cost for water?

Q. Yes.

A. For transportation of water, the bringing of water in a water-boat from Deer Island to Long Island.

Q. Well, this expense of transportation to which you have referred has now been practically done away with by the building of the reservoir, hasn't it?

A. I hope so, sir.

Q. You have recently constructed a reservoir which holds two million gallons?

A. Nearly — about 2,000,000 gallons of water.

Q. And that is a supply for how long a time?

A. Oh, ought to last upwards of two months, surely.

Q. And the longest period of time during which there was any break was for about two months, was it, or a little less than two months?

A. Six weeks or thereabouts.

Q. Six or seven weeks?

A. Although there have been two or three breaks of shorter intervals.

Q. I say the longest break of any kind has been for six or seven weeks?

A. Yes, sir.

Q. And you now by means of this reservoir have provided for —

A. An emergency.

Q. An emergency which goes beyond anything in the past experience of the Board for the last five years?

A. We hope so. That was the purpose of constructing the reservoir.

Q. What was the cost of that construction?

A. I cannot tell you that, Mr. Brandeis.

Q. Well, approximately?

A. There were about 400 hundred barrels of cement, I think, say a couple of thousand brick.

Q. What would be the cost of that cement?

A. Well, two grades, and I don't know just what the cost was — two grades. Perhaps \$700 or \$800 would cover the cost.

Q. \$700 or \$800 would cover the total cost of that reservoir?

A. Don't consider that definite, because I am rather guessing at it.

Q. In the neighborhood of that?

A. I think so — and such labor as was performed by the prisoners at Deer Island — the labor of digging.

Q. For which you paid nothing?

A. Paid nothing, and the bricks laid by pauper labor.

Q. That reservoir was completed about a month ago, as I remember?

A. No, hardly that — perhaps two weeks ago.

Q. And the actual work on it commenced when?

A. Oh, we surveyed for that, I think, in the fall of '92. We have been a year digging it.

Q. Well, the actual digging began this summer, didn't it, or last spring?

A. No, longer ago than that.

Q. Well, very little work was done and it was then abandoned?

A. Well, all the work we could do, abandoned on account of cold weather.

Q. And began again?

A. Last spring, and prosecuted vigorously since.

Q. And how many men were at work on it?

A. I think about 100, from 100 to 125. It varied, sometimes more, sometimes less, but quite a large number of men, from 50 to 125.

Q. And with a total cost of \$800 you have averted practically all danger, not only of a defective supply of water, and the inconvenience of a defective supply, and the necessary danger from fire to life on that account, but have also averted this very considerable cost of transportation?

A. Yes, we hope so. Possibly the cost may have been more, but the purpose was as you have stated, and I hope it is accomplished.

Q. And this cost of transportation was about \$40 a day?

A. About \$40 a day.

Q. And during the year '93-'94, when it appears that your total cost of water at Long Island — Long and Rainsford, isn't it? — was over four thousand dollars?

A. Did that include Rainsford?

Q. Are they separate in '94?

A. I think they are together.

Q. Well, the difference between what you paid the city for water supplied, and the figures you give of over four thousand dollars cost of water, are represented by this —

A. Statement.

Q. Represented by this transportation of water at the rate of \$40 a day?

A. I had an impression that the sum was larger.

Q. You mean more than \$40 a day?

A. No, I mean that the aggregate sum was larger.

Q. That you had paid for transportation?

A. Yes, sir.

Q. What is your recollection?

A. I think we have paid some four thousand dollars for transportation of water, anyway. I won't say just for the time you have mentioned, but during these breaks?

Q. Yes. I was only giving it for one year?

A. Yes.

Q. Now, if you will kindly look up that matter of the water, Mr. Pilsbury, we will be greatly obliged.

A. Yes, I will.

(The committee took a recess at 12.03 o'clock P.M. to 1.30 o'clock P.M.)

AFTERNOON SESSION.

The hearing was resumed at 1.30 o'clock P.M.

COMMISSIONER EDWIN L. PILSBURY. — *Continued.*

Q. (By Mr. BRANDEIS.) Have you looked up the matter in regard to the water, Mr. Pilsbury?

A. Yes, sir. The matter of the water, Mr. Brandeis, is as I supposed. I find that the amount \$1,289.87 was paid upon a special draft, January 1, city of Boston water rates; water for the year '89, Long Island, \$1100; Rainsford Island, \$189.87; making a total of \$1,289.87.

Q. Yes.

A. And the year previous you asked about the amount, \$598.26.

Q. Yes.

A. Yes, sir. That was on special drafts, and the dates of the bills were as follows: January 1, water rates, \$338.26; April 12, the water-boat, 92,000 odd gallons of water \$100; May 1, 80,000 gallons of water, \$100; July 19, Union Wharf water-boat, 50,000 gallons of water, \$60; a total of \$598.26. Shall I submit that?

Q. Yes. Well, now, for the year '91 to '92 your report shows that the cost of the water was \$4,830?

A. I didn't look at that, but that I presume was the \$2,500 rate and the additional cost of transporting water.

Q. That is, \$2,330 would be the cost paid for the transportation of water?

A. Yes, sir.

Q. At the rate, perhaps, of \$40 a day?

A. Well, Mr. Brandeis, it might not be wholly that, because Long and Rainsford islands were considered together, you know — the accounts were together and a portion of that would be for the water rates at Rainsford Island. You understand that before we had the water introduced in pipes at Rainsford Island we carried it from Deer Island daily in the "J. Putnam Bradley" and for that they were obliged to pay.

Q. So that this amount, this cost, entailed by the absence of a reservoir which would protect you against the emergencies, was in the neighborhood of \$2,000 a year during those years?

A. I should say pretty near it; it varied, of course, but it has been a very large sum of money.

Q. And you have had this difficulty with the breaking of pipes ever since the water was first connected?

A. Since my connection with the Board. Mr. Brandeis, may I correct one statement in relation to the cost of the reservoir?

Q. Certainly.

A. I told you at the time I stated it that it was a guess, and I don't know now, but in running it over roughly in my mind, I considered only the cost of the brick and cement, etc. I neglected to think of the first element of cost in it, which was the pipes and the valves, and all that, in connection with it, which was quite a considerable amount. I presume it would cost \$1,000 or \$1,500 anyway.

Q. Yes. Well, now, Mr. Pilsbury, you were a member of the Board that of Commissioners at the time that the special committee appointed by Mayor Matthews first visited the island?

A. Yes, sir.

Q. And you received their report shortly after it was printed?

A. Never received the report officially.

Q. Well, what do you mean by not having received it officially?

A. The report of the special committee was referred to the committee — I think the committee on Public Institutions — in the City Council?

Q. Yes.

A. And no action, so far as the Commissioners are acquainted with the fact, at least, was taken. At least if there were any it never was transmitted to us.

Q. So that you say you received the report itself, but that you didn't receive any official communication in connection with it?

A. Received, as any citizen might, a document from City Hall.

Q. Well, is that literally the case — didn't some official communication come to you in connection with that report?

A. I don't remember it.

Q. Didn't the Mayor call your attention to it? I suppose any communication from the Mayor is an official communication, isn't it?

A. Certainly, unless it is addressed to an individual.

Q. Didn't the Mayor call it to your attention and ask for a report from you in regard to the suggestions of this special committee?

A. I do recollect now, Mr. Brandeis, — in regard to several matters in that report, if I recollect properly. It was received in that way.

Q. Yes. That is, the statement made by Mr. Reed, that the matter was never called officially to the attention of the Commissioners, is incorrect?

A. As an official report it is not incorrect.

Q. He said, I believe, that it never officially reached the Commissioners of Public Institutions. Now, didn't it reach the Commissioners of Public Institutions in connection with a letter from his Honor the Mayor about July 6, '92 — that is, a few days after it was issued?

A. I remember that the communication came from the Mayor at that time. What the language was I don't remember. But it had reference to that report.

Q. Now, turn to your records under date of July 6, '92, and see whether they don't contain explicitly a reference to the fact that his Honor the Mayor had submitted a communication which was then referred to a committee? Are those records here, Mr. Reed?

MR. REED. — General Donohoe had them here, but he is not here now.

MR. BRANDEIS. — Aren't those records in that paper now?

MR. REED. — No, those records are not here now. They would not be here unless the general was here with them, and I don't think he is here.

Mr. BRANDEIS. — What is in that paper there? Aren't the records there?

Mr. REED. — Oh, no.

Mr. BRANDEIS. — Well, I told you I wanted them here for the purpose of examining.

Mr. REED. — Well, I went out and telephoned to the general and the general came here with the books and sat through the hearing this morning.

Mr. BRANDEIS. — No, he didn't sit through it, because he came just before it closed.

Mr. REED. — He came before it closed and sat here until the recess.

Mr. BRANDEIS. — He came five minutes before it closed.

Mr. REED. — He came as soon as I could get him. What is the use of quibbling?

Mr. BRANDEIS. — This is no quibble. I told you what I wanted — the books, in connection with the examination of Mr. Pilsbury. We haven't much time. Why don't you get them.

Mr. REED. — I will. I presume the general will return here with the books. If you wish me to go and telephone again I will do so to accommodate you.

Mr. BRANDEIS. — I do, if you are certain that they are not in that paper.

Mr. REED. — No, they are not here. If you want me to telephone to the general again, I will do so, however.

Mr. BRANDEIS. — Very well.

Mr. REED. — Anything to accommodate you, sir.

Mr. BRANDEIS. — Then do that, please.

Mr. REED. — I will do anything in my power to get him here with the books.

Mr. BRANDEIS. — And I wish to keep him here as long as we are examining witnesses.

Mr. REED. — I won't guarantee to do that, sir.

Q. (By Mr. BRANDEIS.) Don't you remember now, Mr. Pilsbury — that this matter came before you in that official way and that official action was taken upon it?

A. I remember that, as you state, a communication came from the Mayor in relation to the report of this special committee, but I don't recollect what the tenor of his communication was.

Q. Now, what action did your Board take on that communication of the Mayor?

A. I have the impression — I may be wrong, may be thinking of some other matter — but I have the impression that there was some communication with the different superintendents. The records should show it, anyway, whatever it was — the records will show it. I haven't refreshed my memory, Mr. Brandeis — hadn't thought of it until this moment.

Q. Wasn't it a fact that July 6, '92, a letter came accompanying that report requesting from the Commissioners suggestions relating to the recommendations of the special committee of experts, as it is called?

A. I think there was something of that nature.

Q. That by vote of the Board this report was referred to yourself and Commissioner Devlin for action, and that on July 18, 1892, you and Commissioner Devlin reported that so much of the report as relates to each particular institution be referred to the superintendent of each institution to consider the same and report to you thereon?

A. I think that is correct, Mr. Brandeis.

Q. Yes. Now, under that vote of July 18, 1892, was the report submitted to those various superintendents?

A. I presume it was.

Q. Was any report made by those superintendents to you?

A. I think so.

Q. When you have your records here will you be able to determine?

A. If there were any reports made, the records will disclose them.

Q. You haven't any recollection whether there was or was not?

A. I have not, Mr. Brandeis.

Q. Have you any recollection whether you took any action upon the report in any way except that vote of July 18, '92?

A. You used the word "you" collectively—the Commission you mean?

Q. I mean your Board?

A. None to my knowledge or recollection.

Q. Do you think, Mr. Pilsbury, in view of the fact that the Mayor had expressly in an official communication asked your Board for suggestions upon the recommendations of the special committee of experts, that it would have been discourteous or improper for you to make any reference to this fact in your report?

A. Well, now, in that connection we did discuss that and the question was raised that, the matter having been referred to a special committee of the City Government, it would hardly be proper until that committee had taken some action in the way of recommendation for our Board to take action. That is the fact.

Q. Well, don't you think, Mr. Pilsbury, that if the Mayor requested you to make suggestions it would have been courteous for you to make them?

A. I don't recollect that the Mayor—if he requested us to make suggestions to him it would certainly have been courteous and proper. I don't recollect that he asked us to make suggestions to him, but I supposed it was suggestions in the department.

Q. Well, wasn't it, Mr. Pilsbury, his own committee—a special committee appointed by him?

A. Certainly.

Q. A special committee appointed by him to make this investigation and to report?

A. Yes, sir.

Q. Then if he asked you for suggestions there obviously wouldn't be any discourtesy in answering his request, would there?

A. Not at all. I want to disclaim any intention, so far as I am concerned, and I believe my colleagues, of showing discourtesy to that special committee. I think the members of that committee have said in their report then and since then that the Commissioners did show them all the courtesy and respect which they were capable of doing.

Q. Well, now, that special committee report was, I presume, very carefully considered by you?

A. Yes, sir; read more than once.

Q. You read it over once?

A. More than once.

Q. And was the subject-matter of that report discussed in your Board? I mean the various recommendations, were they discussed by your Board?

A. In general, as I remember, I think they were.

Q. Were they ever taken up *serialim*?

A. No.

Q. The fundamental questions which that committee considered were the question of classification, the question of compulsory labor, and the questions looking to the reform of the individual, were they not?

A. They were.

Q. That is, the committee at great length, and based upon considerable statistics which they carefully gathered together, attempted to show the importance of prevention and cure in connection with the management of pauper institutions, did they not?

A. They did. It was the line of their argument.

Q. And that was what they pointed out as the fundamental error and defect in the management of the institutions, that is true, isn't it?

A. As I remember the wording of the report it is.

Q. And they referred, also, to a number of incidental, or a number of other matters, some of them coming under that particular head of lack or absence of classification, of labor or of reform movements, and some of them being mere matters of management, partly mechanical and partly the other running of the institutions.

A. They went into that matter very extensively and very exhaustively.

Q. Well, now, you say that you thoroughly believe in the classification of paupers?

A. I do.

Q. You believe in keeping entirely separate those who are there from misfortune, weakness, and keeping them separate and free from contamination — keeping those who are there through weakness or misfortune from those who have led a life of crime, don't you?

A. That would be perhaps eventually one of the best things to do. Primarily, I think we should begin as we have begun, following out the line of separation of sexes and sick from well, and as I have already detailed — I needn't take the time to go into that again.

Q. But that classification is what you have considered essential?

A. It has been considered.

Q. And you have also considered, as you state to-day, that, as a part of that movement of reform to which such an institution should be primarily directed, labor of the able-bodied is absolutely essential, do you not?

A. I might safely say it was so. Classification could be carried out almost indefinitely.

Q. Yes, but I mean but after you have classified them you would make certain —

A. You can divide and subdivide.

Q. The sequence would be to have the people lead different lives, aside from being morally and physically separated, wouldn't it?

A. Would much prefer to have it so.

Q. And one of the first elements in the reform of the able-bodied or the more able-bodied would be to compel them to work at something?

A. Most assuredly.

Q. And subjecting those who are weak to discipline?

A. Weak mentally or morally?

Q. Those morally weak to some discipline which would strengthen their character?

A. Yes.

Q. And you believe also, as that committee pointed out, that aside from this great matter of classification and of compulsory labor, something should be done which would look to a reform of the individual through better influences, do you not?

A. I certainly believe in surrounding them with all the good influences it is possible to encompass them with.

Q. And in order to surround them with good influences one must treat them, or treat people generally, as somewhat better than they have been apt to consider themselves — isn't that so?

A. If you wish to raise a person to a higher moral level you must stimulate their moral sentiments, of course.

Q. You must stimulate their moral sentiments, and that is done by holding them up to the best that their nature is possible of and not by having them simply satisfied with their bad selves or weak selves — isn't that true?

A. A bad atmosphere is injurious morally as well physically.

Q. Yes, but I mean when you are taking people who are weak, people who have fallen because they are weak, or who are in the dregs of society because they are weak, it isn't an answer to say that they are living as well as they would live if they were outside in the world, that they are no more dirty than they would be outside in the world. But you have got to lift them up and try to hold them to a higher level and standard of living, haven't you?

A. Well, the greater part of them, Mr. Brandeis, live better there than they do outside, I honestly believe.

Q. And you believe it is absolutely necessary not only that they should live better but that they should be lifted up out of themselves into a purer and healthier atmosphere socially?

A. In every way that is possible; yes, sir.

Q. Don't you?

A. I do.

Q. Now, that is all the Board of Visitors recommend, isn't it?

A. In general; yes.

Q. Now, you say, Mr. Pillsbury, that in order to carry out the classification idea, some buildings, peculiar buildings, are necessary?

A. Yes, sir.

Q. One thing that is necessary for the purpose of classification is an individual investigation of the particular man, isn't it.

A. To learn as much of his previous life and his character as possible.

Q. And that was a matter which the Board of Visitors recommended as the very first thing, wasn't it?

A. That was one of the matters.

Q. Yes.

A. But, if you will allow me to say so, we do ascertain those facts to-day as far as we are able.

Q. You mean to say you are doing now what you did then?

A. Oh, certainly.

Q. Are you doing any more now than you did at the time the Board made its report.

MR. PROCTOR. — What Board do you refer to, Brother Brandeis?

MR. BRANDEIS. — The one which has been testified about — the special committee.

THE WITNESS. — You mean the special committee?

Q. (By MR. BRANDEIS.) Yes, sir.

A. I don't know that we are doing any more now than then. We ascertain all the facts that we can ascertain from the applicant — speaking of the pauper, of course — when he comes to our office, and if he gives his own name we are able to trace him through the penal institution if he has been an inmate. That information is given to one department in our office, under Mr. Gilman — his, name, age, birthplace, his father and mother, mother's maiden name, birthplace, occupation, etc.

Q. Well, now, that investigation which you make of the individual is an investigation directed to determine whether he has a settlement, isn't it?

A. Certainly.

Q. And it doesn't go any farther than that, does it?

A. That must be the primary investigation, of course.

Q. Unless he has a settlement you wouldn't send him down?

A. No.

Q. That is the primary purpose of the investigation?

A. Yes, sir.

Q. And therefore you make that investigation as thorough as it is possible?

A. Certainly.

Q. As Mr. Gilman finds it possible with the assistance which he has — but you do not make any investigation outside of your own institutions, I mean outside of your public institutions? You don't undertake to investigate beyond that, through communication with the organized charities of the city, the facts concerning his life?

A. I don't know that Mr. Gilman goes farther than that — not to my knowledge.

Q. Well, the machinery of the associated charities would afford an admirable opportunity of doing that thing, wouldn't it?

A. It would be a help.

Q. Yes, and they have a very elaborate and, so far as possible, a perfect system of getting information — that is the very purpose for which the organization exists, isn't it?

A. I don't mean to argue this with you, Mr. Brandeis, but what I want to say is, that I don't see where that would make any difference if he had been a good man or a bad man, when it came to sending him to the institution. We are obliged to take him and do for him just as well as we can.

Q. That is true, but as an element for the purpose of classification of the man it is absolutely necessary that you should go farther than to merely know that he has a settlement in Boston and is entitled to go there?

A. That is primary; yes, sir.

Q. And the facts you might also learn beyond that would be of importance, would they not, in determining if he has relatives who by law or otherwise would be obliged to support him?

A. Yes, sir. When you come to the moral classification you speak of those statistics that the association might furnish would be of value, I think.

Q. And they would be of value in dealing intelligently and broadly with the subject of the poor of Boston, wouldn't they?

A. We should know more about the individual.

Q. And it is a fact, is it not, that you cannot treat a thousand people, particularly an abnormal thousand people, otherwise than as individuals, isn't it?

A. It is rather difficult.

Q. Yes, it is hopeless to look for any reform except by treating them as individuals?

A. Where you treat them as a herd, of course, it is like a school where a great number of children receive less attention than a small number. That is the misfortune of our large institutions. They have been over crowded, and it is impossible to give the individual attention to them that they should receive.

Q. And that has been one of the evils of herding the great mass together?

A. I certainly think it has.

Q. And when this special committee of '92 recommended that a record be kept stating as far as possible the facts known in regard to the character and history of each inmate, with a view to classification, they recommended something that was different from the investigations which Mr. Gilman made with a view to determining the mere matter of settlement?

A. More extensive and exhaustive.

Q. Well, now, when you made your reports subsequently to this — I mean the reports of '93 and '94, February 1, '93, and February 1, '94 — your report did not contain any recommendation or suggestion on that line — I mean whether by reference to the special committee or otherwise? That is a fact, isn't it?

A. That is a fact.

Q. Yes.

A. And shall I say anything further? If you want to erect a structure you have got to have your materials? If you want to change conditions in the pauper institutions we must surely have accommodations whereby we may make those changes. What we did recommend and what we did ask for were appropriations for the erection of new buildings.

Q. Yes.

A. And until those were obtained there and buildings erected it seemed to the Board collectively, and myself individually, that it was utterly impossible to make any such classification as we felt was essential and as was recommended by the special committee.

Q. Well, now, you agree, Mr. Pilsbury, that as a part of this matter of classification, or, as Dr. Cogswell has testified, for a more perfect system of classification, a class of buildings would be desirable which would enable you to cut up, so far as possible, people into smaller families?

A. Yes.

Q. That is, not herd 1,000 or 500 in one building, but to have them in smaller buildings?

A. On the cottage plan.

Q. The cottage plan. Now, when you made your recommendations for new buildings, you utterly ignored, didn't you, any such idea as a cottage plan, and for your new building down there you put up a dormitory which congregates into one building all the women paupers — or which is designed to do so — all the women paupers in the city, be they good or be they bad — whether their past has been a good one or a criminal one? Is that not a fact?

A. Not altogether, Mr. Brandeis. I think the new building, the dormitory building, as we designate it, is a great improvement upon the old building in the subdivisions which have been made in the interior.

Q. Yes, but it is a fact —

A. So that classification — I beg your pardon — is possible now, and a separation to a certain extent. But the complete separation which you refer to, as I understand you, would necessitate the erection of a building for each class — that is, where the people may sleep, eat, exercise out-of-doors and be entirely separate, each class separate from the other class.

Q. Now, Dr. Cogswell testified, as I understand it, that the building which you have provided, while, of course, it has some great architectural advantages over anything we have had before, is not adapted to carrying out this purpose of classification in which both he and you, as I understand it, believe?

A. Not to the fullest extent.

Q. No, and therefore is it not at least a matter of regret that in the report of the Commissioners, in which they ask for this large sum of money, no suggestion was made by them that in the erection of this building, which is apt to be a permanent one, provision be made for that thing which all of us regard as essential to a proper conduct of the institution? In other words, isn't it a fact that you start out now, with your new building, at least, greatly hampered in carrying out that classification which all of us now believe in?

A. Yes. You couldn't carry out that degree of classification in the manner in which it has been suggested to the fullest extent.

Q. Yes; and that if this matter had been referred to in the Commissioners' recommendations, so that it could have had full consideration, perhaps a different result would have been reached?

A. Perhaps the Commission may have been considered to be too practical altogether, but the Commission did take into consideration the fact that the City Governments of the last two or three years have been more liberal in appropriations, and the aggregate has been greater

than in the entire history of any of the Governments preceding, and that the city of Boston had authorized the expenditure of a very large sum of money. We also considered the financial condition of the city of Boston, and its inability to carry out these extensive theoretical ideas which would have to be proved to be practical, of course.

Q. Well, you don't mean to call them theoretical as distinguished from practical?

A. I don't mean by that, that they are not practical, but until they have been attempted and have been proven, of course, it is a theory.

Q. But the idea of a cottage plan—

A. In the main is a good one.

Q. —in reformatory institutions is something well established in the Commonwealth, is it not?

A. Oh, certainly — particularly for the young.

Q. But the whole idea that has come in the treatment of the dependent classes in the community within the last fifteen years has been towards a separation of individuals?

A. Yes, sir.

Q. And in the investigation of this subject of the poor by the City Council of Boston in that report of '78, which I suppose you remember —

A. Yes, sir.

Q. That very idea was pointed out, was it not?

A. It was, but did not that report take the same course. Mr. Brandeis, as succeeding ones — came to the City Council, and died there?

Q. I cannot remember, sir. I don't know that I ever looked it up. But you remember, perhaps you recall the passages quoted in the report of the Board of Visitors of June 30, in speaking of the old Charlestown Almshouse. As early as 1874-75, the Directors of Public Institutions called attention to this fact, as follows:

A year's experience in conducting the almshouse at Charlestown demonstrates, the fact that it is more economical to provide for the poor in smaller buildings, managed upon the family principle, than to incur the great expense of erecting a mammoth building and congregating all the poor in one large institution. One or more suitable buildings could be provided in each of the suburban districts of the city, where the poor of that section could be maintained in the vicinity of their home and former associations, with the privilege of attending church, should they desire or of receiving visits from relatives or friends. This plan would admit of a better classification of the inmates and would involve less expense than the care of all the pauper class in one establishment.

Q. You recall that passage?

A. Yes, sir; I recollect it.

Q. And that shows that as far back as 1874-75 the directors of your institution had had this classification, and of the advantages of small buildings leading to classification and making classification possible, fully before them. Is not that the fact?

A. That is true.

Q. Well, now, the special committee appointed by Mayor Matthews in 1892 also recommended a complete separation of the sexes, that it be secured. Now, is it not a fact, Mr. Pilsbury, that the bringing together upon one island, upon Long Island, of several hundred women, several hundred men, weak and many of them worse than weak, must almost necessarily render impossible that complete separation which you recognize as important and which the special committee called the particular attention of the public to.

A. I don't think so, Mr. Brandeis.

Q. How, Mr. Pilsbury, are you going to effect that complete separation, with the buildings upon the same island, in close proximity?

A. If need be erect barriers, put up fences if need be, and separate

them. If those people were upon the mainland they couldn't be separated from all the rest of the world, of course, without being fenced in.

Q. No.

A. It would be just the same there. We can fence them in on Long Island or any other island if it is necessary in order to separate the sexes. I believe they can be kept separate and apart when the plan is complete. If not, I or my successors, I am sure, will separate them by proper barriers.

Q. Well, now, what barriers do you think can be provided to keep those people from communicating with one another?

A. Build a ten-foot or fifteen-foot fence, if you want to, so that they cannot come together personally or by communication in any way.

Q. But then you have, in addition to that, to practically carry this fence over the whole island, haven't you, or coop the people into a small area?

A. Well.

Q. And lose the benefit which is supposed to be derived from the possession of a large island or a place where these people may communicate and where they may grow strong physically as well as morally.

A. Mr. Brandeis, I heard some testimony here the other night in relation to Mr. Roberts' Home, a very nice place, I understand, and the people who inhabit that Home take their exercise on the sidewalks of this great city, with people going and coming all the time, and they are brought in contact with all sorts of people.

Q. Well, now, don't you think, Mr. Pillsbury, that the people are safer from the danger of contamination when going about on the sidewalks of the city, where there are far more good than there are bad and far more strong than there are weak, than they would be isolated on an island where nearly every one there is of their same kind and where they haven't the diversion, haven't the interests which people have on the mainland, to occupy them?

A. Well, of this class of people, Mr. Brandeis, I cannot say honestly I do think so. I do think the separation upon an island, so far as that question which you raise is concerned, is all right. As to whether it was wisdom to place those institutions on an island or not, that is another question — to place a hospital on an island in the ocean. I have my serious doubts about that, but that was settled some time ago, so I needn't discuss it. But I believe morally the influence is just as good, and I don't know but better, if the two sexes are all together on an island like Long Island and separation is insisted upon, and I believe that it can be accomplished.

Q. You certainly have heard at Deer Island — and I think that is one of the points referred to in the same report of the special committee — of the danger of communication between parties?

A. Between the boys and those of opposite sex?

Q. Yes.

A. And that the danger was possible under the conditions which existed and that condition was wrong, because the boys of the Reformation School occupied the same building that the prisoners committed to that institution occupied. That was wrong.

Q. Now, to return a moment — how by anything else than a Chinese wall extending across the whole island do you think it possible to really separate these people and yet not confine either the men or the women to a small area?

A. Oh, yes, I do think so. Have one dividing line. There are certain sections of the island where the inmates never go, where there is no inclination to go, but I repeat that if you want to fence them in you can fence them in there just as well as you could elsewhere. But I think if you were to separate them from the rest, the females from the males, entirely, so that there would be absolutely no possibility of communication or contact, you might have to enclose them.

Q. It would have been a simpler matter, would it not, if the separation were left so that the women were on Rainsford Island and the men on Long Island? Then physical separation would be a very simple matter, would it not?

A. Yes, that would have simplified it. You would have had the members of each sex upon a separate island.

Q. Now, Mr. Pillsbury, you spoke about the necessity of workshops, and also appropriations to establish the workshops?

A. They go hand in hand.

Q. In your reports, in the annual reports, there is no suggestion anywhere that you deem work and workshops to be desirable — I mean by you the Commissioners?

A. I understand, certainly; no.

Q. Is not that the fact?

A. That is the fact.

Q. You never suggested to the community to whom your report would naturally go or to the officers of the City Government called upon to make appropriations, that workshops would be desirable or that work would be desirable, did you?

A. Never suggested it?

Q. I mean that your report does not.

A. In relation to workshops? I was not paying attention, and I should like to have you repeat the question.

Q. I mean that your report contains no recommendations or request for an appropriation to establish such things?

A. No, sir.

Q. And therefore, so far as your Commission is concerned, the public was in no way informed, and the Council in no way informed, that you deemed them to be necessary or advisable until the testimony which you have given here?

A. In answering that question I will come to another that you will reach, probably — that is, the matter of compulsory labor.

Q. Yes, sir; I was going to take that up in a moment?

A. Yes, sir; that would follow.

Q. Now, you have stated that you believe, from what had been told you that there was no power, or, at least, that it was not desirable, to attempt to enforce what power might exist to compel labor?

A. Not advisable — may I put it that way?

Q. Yes — not advisable.

A. Very desirable, but not advisable.

Q. Now, you have nowhere in your report suggested — in your various reports suggested — any lack of power, or the desirability of any legislation to make clear that power, which may exist under the present laws, have you?

A. I have been interested personally in the make-up of but two reports.

Q. Yes.

A. And I think that in the second one you will find something in relation to that — at least in Dr. Cogswell's report, which we indorse, and which we furnish. I think you will find a reference to that matter, every word of which I do indorse.

Q. Well, in your own reports, the reports of the Commissioners of '94, of '93, of '92, of '91 and of '90, there is not one word, is there, which indicates that there is an absence of power or that it is desirable that the Legislature or the public should do a single thing or take a single step to enforce compulsory labor, or, indeed, that the enforcement of that labor is deemed desirable by your Board?

A. So far as I recollect, only the instance which I quote you, which has the indorsement of the Commission.

Q. Of Dr. Cogswell?

A. Yes, sir.

(Ald. FOTTLER in the chair.)

Q. The only reference in connection with that matter which you have just mentioned is that in Dr. Cogswell's report, in which he says that "from the lack of authority to enforce discipline the management of this institution is very unsatisfactory." That is what you have reference to?

A. Yes; but wasn't there something else? I think there was something additional to that, something in relation to legislative action. I have not read it for a long time.

A. Yes; "if some inside work could be furnished for these men, it would be a good thing in many ways. I say inside work, because during the winter months work here out-of-doors would be impossible a considerable portion of the time, and yet to furnish a workshop and materials, when we have no means of compelling the men to work, might, and probably would, turn out a farce. From the lack of authority to enforce discipline, the management of this institution is very unsatisfactory."

A. That is what I had in mind.

Q. "And not much can be expected where when you tell a man to do a thing, he does it or not as his inclination prompts." That is what you have reference to?

A. Yes, sir.

Q. Well, that statement there does not disclose that there is any lack of power in the Commissioners. It is equally consistent with that statement that the Commissioners have not provided any rules giving that power to the superintendent, isn't it?

A. If the Commissioners indorse that statement, as they did, it certainly would indicate that they felt that they had not the power.

Q. At all events, that is the only reference?

A. That is all I remember, Mr. Brandeis.

Q. And that is the report of your superintendent, which I venture to say does not very clearly bring to the mind of the reader any doubts as to the existence of the power in the Commissioners or the advisability of enforcing the power as to which a doubt had been expressed. And this part of the report of Dr. Cogswell's was prepared after the Board of Visitors appointed by the City Council had been down there and the matter of compulsory labor had been called to his attention?

A. That was his first opportunity to report — his first annual report.

Q. And that is the first time that the matter has been mentioned even incidentally anywhere in the Commissioner's report?

A. That is the first that I recollect.

Q. Yes.

A. The necessity for power to enforce labor seems to become more and more evident as time goes on.

Q. Then going back to this report of the special committee appointed by Mayor Matthews in 1892, you stated that that first recommendation in regard to taking the history of the individual with a view to classification met with your approval; that the second recommendation, that the able-bodied be made to work, met with your approval?

A. Yes, sir.

Q. And I ask you in regard to the third recommendation — that free passes be abolished except in special cases — do you favor that recommendation?

A. Not absolutely, Mr. Brandeis.

Q. Well, with what qualification?

A. The people who go to that island are not committed there. They go there of their own free will — perhaps not of their own accord, as necessity compels them. But I don't believe we should use them as we would prisoners, control their coming and going so absolutely that they

would not be allowed to visit their friends once in thirty days, and right here I want to say that I don't consider that the great majority of those people are inclined to make trouble. It is but a very few of those people who are inclined to make trouble or to refuse to work. It is confined to the few, but they leaven the lump. Now, those who are weak and who are in that way perhaps led to follow such a class as I speak of, should not be absolutely denied the right to visit their friends, if they desired to do so, once in thirty days. I think the privilege should be used judiciously.

Q. Do you differ, then, from the visitors who say "except in special cases"?

A. Well, that admits of a broad degree of latitude — "special cases."

Q. Well, that degree of latitude must be and properly should be left to the discretion of those who have the management of a large institution?

A. Necessarily must be left to the discretion of the superintendent or the one who is in control of the institution.

Q. Yes, and you agree that the matter of granting free passes ought to be something on which the discretion of the superintendent should be exercised?

A. It should be regulated.

Q. Upon which his discretion should be exercised?

A. Yes, I think he should exercise discretion.

Q. Yes.

A. And yet it is a delicate matter when the superintendent is applied to by a person who has come to him voluntarily and who, under the general rules, may have a pass once in thirty days, to refuse that pass. It is a pretty delicate matter to refuse to let them go.

Q. And yet you admit that the superintendent of an institution of this sort must deal with many delicate matters?

A. Indeed he must and much must be left to his discretion and tact; yes, sir.

Q. Then you would, as a matter of fact, differ from the special committee where they say that passes should be abolished except in special cases?

A. I surely think it is worthy of consideration.

Q. And you certainly think they ought not to be granted as a whole?

A. You have been very kind, Mr. Brandeis, in allowing me to interject remarks, and I would like to say here —

Q. Yes.

A. That is, if we had some such system here in Massachusetts or Boston as obtains in New York, where a certain class of paupers are committed, and those can be controlled, I think we should have far less trouble. It is unfortunate that they can come and go, that they can spend what little earnings they may have or what little money they may possess in rioting and dissipation, and that the city of Boston is obliged to take them back after the money is gone. It is a fact, as we interpret it — we may be mistaken — but it is a pity, nevertheless.

Q. Well, that very difficulty you have now stated with great correctness was called attention to by the special committee of the Mayor?

A. It was; yes, sir.

Q. And this matter of free passes was largely discussed in the report in connection with that very difficulty?

A. Yes, sir; and has been discussed in the Board many times.

Q. But your Board has never in the reports which it made, and which were published as city documents, called attention to that difficulty and asked the public or the Legislature to aid them in remedying it?

A. Because we never dreamed that the Legislature could aid us in remedying that except in some such way as I speak of.

Q. Yes, but you never had presented the difficulty to the public, and sought the aid of the public, to secure that result which you, as well as the visitors and the special committee, recognize as essential to the good management of the institution?

A. Perhaps not so much in the direction of the passes and that incident thereto, but it has been testified to last night by Mr. Bailey that the Commission visited the State House.

Q. I think you did personally.

A. I did personally. I believed it was a right thing to do and I feel so now.

Q. But that was not until this year, this very calendar year?

A. No.

Q. When Mrs. Lincoln and the City Solicitor, Mr. Bailey, through the Mayor, appeared there?

A. True.

Q. To secure that thing?

A. But there is one fact in connection therewith that has not yet appeared, and the fact was, that that bill was based upon a statement which I obtained from Mr. Gilman a long time previous to the petition to the Legislature, setting forth what was desirable, and I gave those papers, I believe, to Mrs. Lincoln, and upon the basis of that statement the bill was drawn, although there were additions made thereto which I fear caused its defeat.

Q. (By Ald. LEE.) What bill was that — the bill trying to place the paupers under the Vagrant Act, that they refused?

A. Yes, the House bill of 1894.

Q. (By Mr. BRANDEIS.) But it is true, Mr. Pilsbury, that in none of the reports of the Commissioners has this difficulty which you state with such clearness been referred to — I mean called to the attention of the public, or in fact even referred to?

A. I don't recollect that it has. It was something that, it seemed to me, called more for action than for words.

Q. Yes, but it was necessary, in order to secure action, as you were not to initiate the action — it was absolutely necessary that the difficulty that you from your experience and study of the subject found to exist should be called to the attention of the otherwise ignorant or indifferent public — isn't that the fact?

A. Yes, sir; indeed, I think that, should Mrs. Lincoln and Mrs. Evans testify, they would say I had talked of the matter with them a number of times previously, and upon that subject we never disagreed.

Q. Then the fourth recommendation of that special committee — that a complete separation of the sexes be secured — you have already stated your approval of that?

A. Yes, sir.

Q. And the fifth was that printed rules be hung up in the institution. That I am sure you approve of?

A. I do, and they were hung up.

Q. And it was done?

A. Yes; I recollect that during Mr. Galvin's time I with one of my colleagues provided rules, — that the rules were printed and were hung up at that time. You had heard something of that in the testimony.

Q. Well, those rules afterwards disappeared, didn't they?

A. Well, they must have been taken down.

Q. They were taken down, so that the Board of Visitors who reported in February, '94, had occasion again to call attention to the absence of rules and thereupon they were again hung up?

Q. Well, I know that the rules were provided, and I know we ordered

them printed at Deer Island, and they were printed and delivered to Long Island. I know that.

Q. You mean this spring?

A. Oh, no — while Mr. Galvin was superintendent, because his name was printed at the bottom.

Q. Yes, and that was about September, '92, within a few months after this report appeared?

A. Yes, sir; I think about that time.

Q. But then these rules had been taken down afterwards, so that the Board of Visitors of '94 again called attention to the necessity of having the rules put up?

A. If they say they didn't see them I am sure they didn't.

Q. Then the sixth recommendation they make, that stores be given out only by paid officials, I believe was approved and acted upon by your Board?

A. Yes, sir; at once.

Q. And recognized as an important practical recommendation?

A. Very.

Q. And the seventh recommendation, that more personal neatness be enforced — you fully approve of that also, I believe?

A. I believe that all the personal neatness that can be enforced should be, but in saying that I do not admit that there was a lack of neatness and cleanliness, because it wouldn't be the fact from my point of view.

Q. You mean personal neatness?

A. Personal neatness. I agree that it is very essential indeed and should be enforced.

Q. And you would agree also that the standard of neatness which should be enforced is not that degree of cleanliness or neatness to which those particular people are accustomed in their own homes, if they have any?

A. No.

Q. But a high standard?

A. Yes, sir.

Q. Because neatness is a part of the discipline necessary for the institution?

A. Yes, sir; and essential to their physical welfare as well.

Q. And their moral?

A. And their moral. It is said that "cleanliness is next godliness," so I think it should be observed.

Q. The eighth recommendation, that tobacco, if given at all should be given as privilege, has been recognized by Dr. Cogswell recently. Do you agree with him?

A. Pretty closely; and yet, Mr. Brandeis, while I confess I love to smoke a good cigar myself and do it, I do think of those old men — particularly the old men who, have been accustomed to using tobacco all their lives, and I should hesitate about cutting off that comfort, which is almost the sole comfort they have. But with the young man who is disinclined to work or to observe the rules of discipline I should indorse the views advanced by Dr. Cogswell with all my heart — cut it off.

Q. Now, in regard to the old men that very distinction you express is made also by the Board of Visitors, is it not?

A. Yes, sir; and we agree there.

Q. You agree fully?

A. Yes, sir.

Q. That is, that the old men are to be treated as infirm men?

A. In regard to your reference to classification, that is one point I didn't touch upon. I believe the old men should be separated from the young men — that the old men comparatively well should be separated

from the old men who are not well, because I think the tendency among the young — and I have watched it — is to crowd the old men, if you may so term it. I have seen them as they go into dinner — that the young man pushes in by the old man who is a cripple or disabled in some way and that the old man doesn't have a fair chance. I want to say right here that that is in our minds to-day, and as soon as certain changes are made which make it possible it will be done.

Q. And that, in a general way, was called attention to by the special committee?

A. Yes, sir; I think we are in sympathy with the committee in that particular.

Q. That is, drawing the distinction between those people who are both able to work and able to stand the stress of life and those whose misfortune has placed them there as wards of the city?

A. Yes, sir — don't consider them together.

Q. So that this eighth recommendation in regard to discrimination in the use of tobacco you approve of?

A. I do.

Q. Then the ninth recommendation, that buildings be provided with proper ventilation, you approve of?

A. Most emphatically.

Q. And you have recognized the absence of that ventilation in the building at Long Island?

A. In the brick building I do — and commented on it many times.

Q. And the statement made by Mr. Tudor, I suppose you accept as correct — in regard to the absence of ventilation, and in regard also to the value of the proposed changes?

A. Yes, sir. Mr. Tudor is an expert, and I ought not to put my opinion against his. The only ground upon which I differ with him is in the ventilation of the upper stories. I think there is some ventilation. He thought there was practically none, but there is some. But in the first and second stories there is none except by the windows, and the air, as has been stated, is offensive and it cannot be helped until the system is introduced.

Q. And that has been the condition as long as you have been on the Board?

A. Yes, sir; and must have been since the erection of the building. I don't wish to reflect upon any other administration, but I marvel that a building is constructed without ventilation in these modern times.

Q. Then the other recommendation in regard to sufficient and sanitary plumbing — that referred probably mainly to Rainsford Island, where you have made considerable changes with a view to carrying out the recommendations of the special committee?

A. Yes. As I understand it — this has been a matter of hearsay — great improvement has been made at Rainsford Island since this Commission came into power. There are those who can speak more particularly about it from knowledge than myself, and the probabilities are that perhaps other improvements might be made but for the contemplated change in connection with the boys going there.

Q. You did make some change in the plumbing arrangements?

A. I don't know much about the plumbing, but the closets were enclosed in a better manner than before.

Q. Then the next recommendation was that watch clocks and night-watchman be provided. That you did?

A. Yes, sir. That is in all our institutions now.

Q. And that was done after the special committee called it to your attention?

A. It was done after that time, but it was contemplated long before because — speaking of Long Island particularly now — because I know

that the Commission before I came into the Board intended when their new plant was made to connect the entire plant with a watch in the office of the institution. However, it was purchased and put in, I am quite sure, after the first committee's report — must have been, because the first committee reported almost directly after I came into the Board, within a few months.

Q. Well, you know, don't you, that Mrs. Lincoln had long before the appointment of the committee called the attention of your Commission, and I daresay also of the public, to the necessity of a night watchman?

A. Yes, sir.

Q. And of a watch clock?

A. Yes, sir; I have read the communications.

Q. That had been done in '91, earlier?

A. I have heard so; I don't know, of course, from my own knowledge.

Q. Then the recommendation which they make, is that buildings should be provided with fire-escapes and facilities for putting out fires. In regard to that, you have already testified fully that nothing was done except sending some buckets there until after Chief Egan's report this year?

A. Well, as you ask me about that, Mr. Brandeis, it is only fair that I should answer. As regards fire-escapes, I think that fire-escapes on the outside of the brick building on Long Island would be practically useless. Those people could never make use of them — the modern fire-escapes. But we have considered, and I have studied that matter carefully, that building, and have constructed iron staircases at each end and balustrades, easy stairs for the old people to get out safely, and there is nothing there to burn except the floors, which are very heavy hard-pine; and there is an iron staircase near the chapel. I don't believe in the erection of more than two-story buildings for the use of paupers anyway, or those who are dependent, and that plan this Commission has followed out. I differed somewhat with Mrs. Lincoln upon the Rainsford Island building.

Q. Well, this recommendation related mostly to Rainsford Island, as far as fire-escapes are concerned, and fire-escapes have been provided since Chief Egan's report?

A. Well, Mr. Brandeis, the main building, where the majority of the inmates are quartered, I think it has not been clearly stated that the means of egress are as good as they are, because from the second floor of that building, running out either side is a broad iron staircase, I should say eight or ten feet in width, and no note has been made of it, and at the farther end, near the chapel, there is an iron staircase enclosed within brick walls, where there is no possibility of anything igniting unless it was the dust that happened to roll in from outside. It is perfectly free from anything that is inflammable. The fire-escape to which you allude is at the end of what you call the White House, — a story and a half, — I suppose you might call it a two-story structure, but very low — and at the end of that building has been placed a staircase. I think the idea is a very good one.

Q. Well, you remember that Chief Egan reported to the Board of Visitors, or rather to the Fire Commissioners and through them to the Board of Visitors?

A. I remember sir.

Q. "If a fire should occur at this institution, in its present condition, without fire-escapes on the outside of buildings, there would be a great loss of life" — under date of February 7, '94. "There is not any means of notifying the inmates in case of fire. There should be a gong or some other appliance for that purpose, and a red light should be placed at night at every exit, to designate the way out." And then he goes on and gives his other recommendation.

A. I will say, Mr. Brandeis, that if the attic of that old Rainsford Island building had continued in use I believe his remarks would be very apropos.

Q. And that was in use and very crowded when Mrs. Lincoln first called attention to the danger of fire?

A. The first year I was in the Board, it was crowded almost to discomfort.

Q. Then you think Mrs. Lincoln's apprehensions in regard to danger of fire were entirely justified?

A. In that particular I should fully agree with her. I mean to say that while I believe it ought not to be so, it was a necessity that it was so. The people came to us and we had to quarter them. That was where the municipality had been remiss in not providing better quarters earlier.

Q. But the danger from fire which was pointed out then, has been remedied in a large measure through the facilities provided upon the recommendation of Chief Egan?

A. Well, that has not been remedied, Mr. Brandeis, as far as that story is concerned, but that story is not now occupied, and I hope it will not be occupied again — certainly not with my knowledge or consent.

Q. Then, in regard to the other recommendations the committee make, to provide wooden screens around the women's bath-tubs — those were provided?

A. They were provided long before the committee visited — the superintendent was authorized to procure them, and it should have been done.

Q. And that had been in consequence of Mr. Lincoln's earnest protestations against the women being compelled to bathe in the open ward?

A. That may be so, but I think it was before my time, if I remember properly.

Q. But you remember that?

A. I remember that the matter was agitated.

Q. And it was a matter that had come up before the Commission itself in a communication of Dec. 5, '91, which, perhaps, appears in your records?

A. I have heard of it, of course — I don't know of my own knowledge. The fact remains that there ought to have been screens there — I don't dispute that at all.

Q. Then the chairs and other comforts for the infirmary, which they recommended, and which Mrs. Lincoln, I believe, recommended before — those you also obtained?

A. I believe in making them as comfortable as we can.

Q. Yes, and in carrying out that idea of making the infirmary comfortable you have procured these chairs and other comforts which have been suggested from time to time?

A. We have.

Q. Including the rocking-chairs which were the subject of so much discussion?

A. I remember with some degree of gratification when I met Mrs. Lincoln her husband and yourself at Long Island that Mrs. Lincoln took me to the door of the infirmary and suggested that it would be a good thing to have arm-chairs, that I told her they were on the wharf, and they were brought in while you were there.

Q. That was March of this year?

A. March, '94.

Q. Yes, just before the investigation. Then in regard to the recommendations that were made in regard to the hospital at that time — a more liberal diet, both regular and special — you have favored such diet as the physician would prescribe?

A. I favor a liberal diet.

Q. Yes.

A. I won't say I favor a more liberal one than they were given, because I thought they were receiving a liberal diet, and I took the statement of the superintendent and of the nurses. Perhaps I as much, if not more, than my associates have inquired into the matter of food and diet, but as to the diet for sick people I wouldn't pretend to know. That should be left to the medical men, of course. But I do know that whatever has been asked for has been furnished.

Q. Yes — those paid nurses which they recommended at that time, in every ward, — they were afterwards furnished?

A. I think we had paid nurses in every ward excepting, if I remember rightly, at that time, in the male ward there was but one male nurse furnished, but the employment of another one for that ward had been considered, so the Commissioners were not lax in that particular.

Q. Well, you remember that prior to the time of this report a very considerable change had already been made in the matter of nursing, do you not?

A. Well, when we went into the hospital, do you mean, Mr. Brandeis, or do you mean prior to the establishment of the hospital?

Q. Well, in regard to the matter of nursing generally. This is a matter that antedates your appointment to the Board, but I supposed from your study of the records and investigation of the facts generally you might be familiar with the agitation for more nurses, and the changes which the Commissioner made subsequently to that agitation?

A. I know more about the new hospital, of course.

Q. Yes. Well, you remember that the matter of the absence of paid nurses and the total absence of a night-nurse had been called to the attention of the Board by Mrs. Lincoln?

A. I have heard so, but during my time we have always had paid nurses and always had a night-watch.

Q. And the matter was also called to the attention of the Board by Dr. Harkins, and before that by Dr. McLaughlin, as appears by the report?

A. I have heard so.

Q. And after the time that this agitation of Mrs. Lincoln's began, in 1891, there were certain paid nurses added?

A. So I am informed.

Q. And since that time, since the agitation, more have been added, even during this period, and since the investigation you have had a trained nurse, a head-nurse, for the whole institution?

A. Which I believe in emphatically.

Q. And a trained nurse?

A. A trained nurse at the head of the department of nurses and matrons.

Q. Then these recommendations or requests made by Mrs. Lincoln and the subsequent recommendations by the special committee of '92, you thoroughly believe in and have acted upon?

A. Have acted upon them; yes, sir. Probably we would have acted upon them without the suggestion. So far as my knowledge goes I think that would have come about.

Q. Well, it was rather long in coming about — don't you think so? The agitation began in '90, and you employed this trained nurse in '94, in August, '94. As a matter of fact, it was after a visit of the Mayor and Dr. Rowe, was it not?

A. Yes; but the hospital wasn't established until '93.

Q. Yes; the new hospital was established in '93, but as a matter of fact —

A. We had nothing we could call a hospital before that.

Q. You had a place where there was a competent physician and his

assistant practising and a number of patients almost, if not quite, equal to the number you have now?

A. Very nearly, but it was the top of the old building on Long Island, and I don't dignify that by the name of hospital.

Q. It wasn't a hospital in the sense of being a building worthy of the city of Boston, as this one certainly is?

A. No, sir.

Q. But it was a place where for many years the sick were taken care of and treated by the city of Boston?

A. Yes, sir.

Q. And it would have been equally possible to have had there trained nurses, and perhaps more necessary, even than in a well-equipped hospital?

A. All things are possible.

Q. Well, then the special committee recommended a covered wagon with springs for transporting the sick, and sometime after, a short time after, I believe you procured that?

A. A very short time after. Only a short time after the opening of the hospital that was done.

Q. You approve of that recommendation?

A. Yes, sir.

Q. And they approved of woven-wire beds, and that I believe you acted upon?

A. All the beds which have been purchased since I have been in the department have been woven wire, and I have had much to do with the purchase of them.

Q. And their last recommendation was that there be a board of consulting physicians. That recommendation does not meet with your approval?

A. Well, after hearing the testimony of Dr. Fitz, Dr. Richardson, and various medical men, it seems to me it is a very nice thing to have scientists whom you may call upon; but as a matter of fact while we have not had a class of men whom we designate as consulting physicians we have always authorized the employment of experts in necessary cases, and these consulting physicians, as I understand it, at Tewksbury and elsewhere, are simply experts who are called in in time of need and paid for their services. That being the fact, I certainly have no objections to a board of consulting physicians.

Q. But as a matter of fact no outside physician has ever been called in since the establishment of this new hospital to aid the physicians?

A. Not to my knowledge at Long Island. If it were necessary they certainly would do so.

Q. And you would agree with Dr. Richardson, would you not, that the association of such a board of consulting physicians would tend to raise the standard of the hospital by bringing it under the supervision of the best men in the profession and giving the hospital that connection with the community and with the outside world which is very desirable in any line of life?

A. If they would supervise, Mr. Brandeis.

Q. Yes.

A. But I think, with all due respect to the medical men, as well as those of the legal profession and others, that their ideas are largely those of a business character, and that they require compensation for service rendered. Not that I mean to say that a Board charged with the moral duty of supervising would neglect to do it. I don't believe any reputable set of medical men in Boston would neglect the duty if they understood it to be such, but a board of consulting physicians such as you speak of, as I understand it, are to be called in cases where they shall be consulted upon medical matters, in the treatment of cases.

Q. Well, isn't it a fact that the most eminent physicians in Boston

are giving their services voluntarily to a very great extent for the advancement of science, or whatever it may be — partly that, partly on public grounds and partly perhaps on selfish ones?

A. You mean such as at the City Hospital?

Q. The City Hospital and practically at all the hospitals and all the institutions where medical science is forwarded?

A. Oh, a great many of them — I have no doubt of it.

Q. And the men most eminent in the profession are the men who on the whole are most willing as well as most able to give that assistance?

A. Oh, I have no doubt of it. What I had in mind more particularly was the Board of consulting physicians which attends at Tewksbury, as I have heard from the lips of those associated with it, that they go there when they are called, and they are called but rarely, and when they do go they go as experts, and do excellent service, and are compensated therefor.

Q. But don't you believe, Mr. Pilsbury, that the very fact of the existence of such a Board of men who have a certain connection with the hospital must have a tendency to keep the hospital up to the standard which exists outside?

A. I think it might help to do so.

Q. And at all events that it is a recommendation —

A. Worthy of consideration.

Q. Which is well worthy of consideration?

A. Yes, sir.

Q. And you remember, do you not, that the desire for such a Board was strongly expressed by Dr. Harkins, when he was the physician, in his report?

A. I have been told so; yes, sir.

Q. And that it was also mentioned, I believe, by Dr. McLaughlin, or Laughlin, the early incumbent?

A. McLaughlin, I think it was

Q. So that these recommendations of the special committee of '92 all seem to you sound?

A. In the main they are very progressive.

Q. And worthy of adoption — at all events, worthy of serious consideration?

A. They have one or two limitations, which I have spoken of, but worthy of consideration, as I have said before.

Q. Now, I will ask you in regard to the report as a whole — whether or not you deemed the investigation which that committee made of the facts and of the conditions, with the recommendations which they made to you, helpful?

A. You are speaking of the special committee, the first one?

Q. The special committee?

A. I think there are many, many good things the adoption of which or the consideration of which in the carrying on of the institutions would be of help to the institution and of benefit to the inmates.

Q. Yes; but it is a fact, is it not, that in the two reports which your Board has made subsequently to the publication of that report and its submission to you by the Mayor no mention was made of any of those recommendations whatsoever?

A. None.

MR. PROCTOR. — Pardon me for interrupting you, but the record book is here, as are also the other books you asked for.

MR. BRANDEIS. — One moment.

MR. PROCTOR. — Yes, whenever you get to them. I merely wanted you to understand it before you finished.

Q. (By MR. BRANDEIS.) And it is true, also, is it not, Mr. Pilsbury, that your superintendent did not make any mention of any of those recommendations, except so far as Dr. Cogswell may be supposed to have done so in the reference to work?

A. That is all.

Mr. PROCTOR. — Do you want the record book now, Mr. Brandeis?

Mr. BRANDEIS. — The record book of 1892.

Q. Mr. Pilsbury, under date of July 5, 1892, I find in the records of the Commissioners kept by General Donohoe, "a communication from His Honor Mayor Matthews requesting suggestions relating to the report of the special committee of experts was referred to Messrs. Devlin and Pilsbury." That is the communication to which I referred, which you well remember?

A. Yes, sir; and later, I think, you will find some action.

Q. And under date of July 18, 1892, I find:

Mr. Pilsbury, from the committee to whom was referred the communication of the Mayor dated July 1, 1892, reported as follows: "The committee recommends that so much of the report of the Mayor's committee as relates to the several institutions be referred to the superintendent, with the request that they consider and report what action in their opinion should be taken upon the recommendations contained therein." The report was accepted and adopted.

A. Yes, sir.

Q. And that is the action to which you referred?

A. That is the action to which I referred.

Q. Now, will you look through the following pages of the record book and see whether you find that any further action was taken in reference to the report of the special committee, or any communications received from the superintendent?

A. (Examining book.)

Q. Mr. Pilsbury, you have searched the records of the Commissioners from July 18, 1892, until December 1, 1892?

A. Yes, sir.

Q. And find no record of any communication from the superintendent?

A. I find none.

Q. In regard to that report of the special committee, or any further action by your Board in regard thereto?

A. I find none.

Q. And you have no recollection of any such communication?

A. I have no recollection of their making a written report.

Q. The Board of Visitors appointed by the City Council made a report of December 16, 1894, and you are of course familiar with that report?

A. Yes, sir.

Q. In that report they make some thirteen special recommendations?

A. Don't you mean February 16, 1894?

Q. February 16.

A. Yes, sir; February 16.

Q. And they made some thirteen recommendations?

A. Very much in line with those of the special committee.

Q. And of course so far as they cover the same ground you agree with them equally?

A. Yes, sir.

Q. One specific recommendation is that telephonic communication with the city should be reëstablished. That has since been carried out by you?

A. Yes, sir.

Q. And at what expense?

A. I think the bill is \$2,110.

Q. \$2,110?

A. It was 2,100 odd dollars, — I think that is it. Might I say there, Mr. Brandeis, that while that is a recommendation that that should be

established it might give the impression that it had not been established previously.

Q. It was reestablished?

A. It was reestablished.

Q. Yes, I think that is the word used — that it should be reestablished.

Q. It had been down some eight or ten months, I believe?

A. Several months.

Q. And it had been down more than several months — had been down more than half a year, hadn't it?

A. Oh, no, I think not.

Q. Your Board as early as September, '93 —

A. Jointly with the Board of Health.

Q. Made a request?

A. Yes, sir; for an appropriation.

Q. And in that request \$4,500 was asked for establishing telephonic communication?

A. Yes, sir. As I have said, the bill was divided.

Q. But as early as July, '93, you had the offer from the New England Telephone and Telegraph Company to put in the new telephone to Long Island for about \$2,100 as your part of the bill?

A. Some time time in the summer — I don't remember the date. We, of course, complained to the telephone company when the break occurred, not knowing the cause, and it was quite a while after that that they discovered that the cable was broken. I think that is all in evidence.

Q. It is in evidence here, and it appears, I think, by the evidence, that it was July 22?

A. Some time in the summer.

Q. July 22, '93, when they made the offer of putting in a new cable at \$2,100, or repairing the old one, without taking any risks, at \$500.

A. Yes, sir.

Q. And finally the cable was put in during the last summer?

A. A new cable.

Q. A new cable during the summer of '94?

A. Yes, sir. There was considerable discussion in relation to what was the better plan to follow, and it was for the accommodation of two departments, and you know large bodies move slowly, and they moved slowly in that connection at that time.

Q. And it actually did take about a year until telephonic communication was reestablished?

A. I think perhaps a matter of nine months or so.

Q. From July, '93, until July, '94, wasn't it?

A. That possibly may be the date — I don't recollect the dates. I know it was a long while, and we suffered great inconvenience.

Q. And the expense of that was charged to what fund?

A. Provided for by a transfer, by authority of the Mayor.

Q. Another recommendation which this special committee made was in regard to burial. The committee had complained about the provisions for burying the dead, and about the condition of the graveyard, and a change in that respect was made, I believe?

A. Yes, sir. Perhaps none of my associates took more interest in the burial ground than I did myself, but the first burials in that ground were not until June, '93, and like any new ground it couldn't be put in proper condition at once, and cold weather coming on, it wasn't until the early part of '94 that any definite plan was laid out, excepting that it was surveyed properly and boundaries struck out, and during the winter I know that I conferred with Dr. Cogswell in relation to it, and then after the Visiting Committee were appointed, Mr. Farmer and I

went over the whole subject at one time, and he and I spent half a day nearly in drafting a plan which was in accord with the idea that had been previously expressed by Dr. Cogswell and myself.

Q. You found Mr. Farmer very helpful, I presume, in carrying that out?

A. He certainly was very industrious and gave his whole forenoon.

Q. The special committee also recommended at that time that at the burial of the dead "brief services should be read in the chapel or at the grave, and notice should be given at the time of burial so that such inmates as cared to attend would be present. The effect of this cannot be otherwise than beneficial." You agree with that recommendation?

A. I do, in so far as the particular religion which the deceased followed would require. I know that Father McAvoy and his predecessors have never neglected their duty that prior to the decease of a person; they are always called if it is known that the person cannot survive a great while. Even though the party does not request it the priest is notified, and if they request it they always get the rites of the church which are considered essential. They are always administered by the reverend father.

Q. Yes, as far as administering the rites of the church before death is concerned?

A. Yes, sir; before death.

Q. But the recommendation of the special committee referred to funeral services, burial services?

A. Well, it was incidental thereto that the recommendation was made. I had spoken to Father McAvoy and his predecessors in relation to that—you know the larger part of our inmates are of the Catholic faith—and he told me, as I recollect it, that the essential duty was performed—at any rate, the reverend father always waited upon them and heard their confession, which was considered very essential, and that in every instance it would be impossible for him to hold a service or Mass upon the deceased person. I spoke to the clergyman at Deer Island, who is the clergyman at Rainsford as well, and he said that he always went to visit a Protestant when he knew of their sickness, and that he was always ready to officiate afterwards. I generally remember, I think, of a service Sunday, and I wish that we had at Long Island a chapel, as we have provided at Austin Farm, with accommodations.

Q. Well, wouldn't it be possible to have a funeral service with Father McAvoy and Rev. Mr. Toulmin, I believe, of Deer Island, whom I believe is a Protestant?

A. Yes, sir, representing the two creeds.

Q. With those two, representing the great creeds, wouldn't it be possible to have a funeral service at Long Island?

A. I don't know anything to prevent it, and if they desired it they would receive the support of the Commission, I am very sure.

Q. You agree, I suppose, that reverence for the dead and such attention make perhaps the greatest impression upon those unfortunate people, and that it would have a beneficial influence, don't you, in giving them some better feelings?

A. I should hope so.

Q. And that that recommendation of the committee, therefore, of this Board of Visitors, has some moral significance?

A. I think it has.

Q. And you would agree, also, I suppose, wouldn't you, that generally some spiritual guidance and training would be of special advantage to the people there?

A. Most assuredly so. We have always provided, made a provision for them in that respect. Father McAvoy, I know, and his predecessors have never neglected their duty in that connection, but they have had a great deal to do.

Q. But don't you have regular services in the institution?

A. We do have regular services.

Q. You mean on Sunday?

A. On the Sabbath; yes, sir.

Q. Well, now, you heard what Mr. Roberts testified as to the practice in his Industrial Home in Boston of providing innocent and more or less instructive entertainment with a view to leading people to believe that they were nearer a normal part of the community than they would have otherwise supposed — do you believe in that?

A. I do. I think if you had asked the superintendent at Long Island or any of the others if I had ever expressed that opinion they would have said I had.

Q. And you think something should be done in that respect?

A. So far as is possible. You must bear in mind, Mr. Brandeis, we are unfortunate in one particular: we are isolated from the rest of the world. It isn't easy to get people there or get them away. That is our misfortune, and that is the question, as I stated, in relation to an institution of that sort, on an island. It is out of the world.

Q. An important thing in accomplishing what you recognize to be this very desirable end would be making known to the world the want — don't you think so? — the need that you feel, recognize, from your own study and thought on the subject?

A. I believe that those people should have some variety in their lives. I think that where they dwell upon their conditions alone it doesn't do anything to elevate or improve them in their condition.

Q. And that they should not only have variety, but should have the elevating influence of contact with people better than they and with thoughts —

A. Higher.

Q. Higher than they customarily are, and for that purpose it is necessary to introduce into the institutions from time to time the outside influences of the better world?

A. I trust that that may be made possible, but you know through the testimony that you have heard of the conditions that have existed at those islands, where the chapel which we desire to reserve for religious purposes is used as a sleeping apartment, and the floors are covered with what we term "shake-downs," cots, or rather mattresses, and during the day they have to be piled up in order to move about. Such has been our crowded condition. I trust it may never occur again, but it has been a fact, and is a fact to-day, in our chapel at Long Island they are sleeping upon the floor.

Q. But whatever, Mr. Pillsbury, may be the mere physical housing of the people, don't you believe it is necessary to interest people in the outside world — that is, to do things for the institution and for the people there, such as Mr. Roberts testified was being done for the inmates of the Industrial Home in Boston, and which can only be done by people who are interested in humanity, giving their thoughts to these people — these services that cannot be paid for?

A. That cannot be paid for. As I said, I think much more might be done there, and might be in the future, but for its isolated condition, which prevents people from going there.

Q. But even with its isolated condition it is possible to do it?

A. To do more; yes, sir.

Q. And in order that more should be done it is necessary that there should be a recognition by the Commission of the need, and that a desire on the part of the Commission for coöperation with the public-spirited people of Boston should be made known, is it not?

A. I don't believe the Commission should advertise for it.

Q. Couldn't they make it known in a dignified manner in their report?

A. In one way or another it could be made known. Now, for instance, a number of newspaper gentlemen, editors mostly of the papers in Boston, came down to the islands during the summer, and I told them that among the inmates were a great many who liked reading-matter, and I asked them to send newspapers, magazines, and such things. They said they had never thought of it and would be delighted to, and there were many such sent down.

Q. And what was required—

A. Was merely a suggestion, that is all.

Q. In a city so full of public spirit as Boston it would require little more than a suggestion from commissioners in office that things were wanted of that nature to be pretty sure that the offers for that assistance would come?

A. There are a great many people who are willing to do, but don't know how to get at it—a great many.

Q. And the Commissioners could by a word, probably, secure it?

A. Exactly.

Q. As for the reports of the commissioners which they publish each year and which to a certain extent are distributed among the people and are copied from in the public press, would they not be an effective means of distributing this desire and of making known to the people of Boston this need of the institutions and the desire of the Commissioners to accomplish that result?

A. It would give a general idea.

Q. Yes, it would give an idea of the views of the Commissioners and their willingness to carry out that policy wouldn't it?

A. Certainly—would give the public an idea that the Commissioners were not hard-shelled.

Q. And it is a fact, is it not, that in the reports published by the newspapers from '89 or go to '94 there is not the slightest suggestion or any desire of the Commissioners for that coöperation on the part of the public? That is true, is it not?

A. I don't remember that there is.

Q. Mr. Pilsbury, you were speaking earlier of the importance of classification and of keeping separate those with criminal careers and those who are there merely through misfortune. Now, don't you think that it is rather in defiance of that idea to bring the prisoners and the paupers together?

A. Yes, sir.

Q. You wouldn't have them work together, would you?

A. No. Since I have been in the Board to my knowledge we have not had them work together.

Q. Well, when the work was done on the reservoir did they work together?

A. No, sir. The only instance that I know of—I said, "No, sir;" I should qualify that, because there was a recent instance. You might say they worked together upon the brick chamber, which is aside from the reservoir. Paupers were laying the brick, and down in the excavation, twenty-five feet below, prisoners were doing the digging.

Q. Yes.

A. But they were under the direct control and observation of an officer, and there was no intercourse or intermingling. That was as near as they have come together, to my knowledge.

Q. When you speak of the necessity of workshops for the island, you do not mean to say that there is not a very considerable amount of work on the island to which paupers could now be put if there were authority?

A. Oh, no. The major part of the work on Long Island is during the summer. That is when we don't have the able-bodied paupers. They are very few at that time. But in the winter-time, when the able-bodied pauper is there, that is the time when we need the workshops.

Q. Well, as a matter of fact work is enforced to a very great extent at Tewksbury, is it not?

A. Oh, yes, indeed, and at Long Island.

Q. And at Tewksbury they make them work whether that work is necessarily productive or isn't, do they not?

A. Yes, sir; as I understand it, and as I have observed, although the major part of the farmwork is done by the insane, as I was informed by Dr. Howard, whom I visited and spent the day with—that is, the outside work.

Q. But there is a very large amount of work by the inmates, insane and sane?

A. Yes, sir; cleaning, police-work, and that sort of thing, very properly.

Q. Yes, and the experience of Tewksbury has been that there is in fact little difficulty in compelling them to work—I mean the legal authority is very rarely exercised?

A. Well, they have been more fortunate than we in that the statute gives the trustees the power to make rules which if the governor and Council—many times quoted—indorse have the force of law.

Q. Yes, but I was asking now not about the law, but the necessity of enforcing the law?

A. Well, it is through those rules that labor is enforced.

Q. But as a matter of fact there is very little necessity of applying any actual force—I mean punishment in any form?

A. Very little, and I believe that would be so at Long Island. In pauper institutions it is the few who will not work. The many will, who are able.

Q. And the many who are at pauper institutions are generally unlike the great criminal class?

A. Oh, yes.

Q. And they are generally men who are weak and can really be easily handled by a man in authority?

A. Oh, yes, sir; so far as brute force would be concerned, in the main.

Q. Well, you don't mean brute force really?

A. You asked me if they could be, and I said they could be by brute force—not that they should be.

Q. But they are people of weak wills, as a rule, and easily influenced?

A. You mean morally—excuse me, I thought you meant physically.

Q. Easily controlled by one in authority?

A. Yes, sir. And I think that is a fruitful source of the trouble that we have there—a few strong-willed, ill-dispositioned men can influence the weaker ones.

Q. (By Ald. LEE.) There was something said, Mr. Commissioner, about the inmates being granted passes once in thirty days?

A. Yes, sir.

Q. That is the rule, the custom?

A. It is the rule.

Q. Well, now, supposing that the superintendent when one of the inmates there made application, say, even within the limit of thirty days, and he should refuse to grant it—is it within the power, or has the inmate, the person who may apply for the pass, the right then to demand his discharge?

A. He has.

Q. And it is not permissive—it is mandatory upon the superintendent then to give it to him?

A. We deem it so.

Q. And he then can come to Boston?

A. He can.

Q. And see his friends or do that which he may see fit?

A. He can.

Q. And he can then make application next day to the Commissioners, and they have no remedy at law or in any other way than to send him back?

A. Unfortunately, if he has no friends, home, or money, we must take him if he is a citizen of Boston.

Q. And has a settlement?

A. Yes, sir.

Q. (By Mr. RILEY.) You have been on the Commission less than three years?

A. Yes, sir.

Q. The chairman has been on the Commission more than five years?

A. Yes, sir; since May, 1889.

Q. And the other commissioner has been on much longer than yourself?

A. Yes, sir.

Q. So that what you know about the proceedings of the Commission dates back only to February, '92?

A. 1892; yes, sir.

Q. The chairman, of course, knows a great deal more about the doings of the Commission since May, 1889, than you do?

A. Undoubtedly, sir.

Q. And the other Commissioner also knows a great deal more about the doings of the Commission than you do?

A. I should judge that he did.

Q. Yes. Now, your Board has certain rules for the transaction of business — that you know?

A. Yes, sir.

Q. And those rules require an executive session at 11 o'clock each day. Am I right?

A. I think the rule which I heard you read last night says an executive session daily.

Q. Well, didn't you know anything about the rule until last night?

A. I had read it before; yes, sir.

Q. Well, then, you of course know that the rules of your Board require an executive session daily. When the Mayor appointed you were you obliged to give any pledge or pledges as to your future conduct on the Board?

A. None whatever, sir.

Ald. LEE. — He has to sign in the City Clerk's office, you know.

Mr. RILEY. — He has to do a great deal more than that — a great deal of work.

Ald. LEE. — Well, that is one of the requirements, you know, of the ordinances.

Mr. RILEY. — Oh, that is the smallest.

The WITNESS. — I signed a book, the same as every other official. I didn't take it that you meant that, so I didn't refer to it.

Q. (By Mr. RILEY.) Now, of course you didn't. Did you pledge yourself to the Mayor to support the policy of the chairman of the Board?

A. No, sir; and he did not ask it of me, either.

Q. No; did your Board have an executive session this morning?

A. No, sir.

Q. Did the Board meet this morning?

A. Yes, sir; the Board is in continuous session.

Q. I shall never forget that.

A. It has been repeated, I know, Mr. Riley — I don't suppose you will.

Q. What reason do you assign for not having an executive session to-day?

A. I was on the witness-stand from quarter of eleven until half-past twelve, went to lunch, and came back again at half-past one. For my part, that is all I can tell you.

Q. Yes; but the other two Commissioners were not upon the witness stand?

A. Since I have been a member of that Board there has never been an executive session when all three were not present.

Q. Since you have been a member of the Board?

A. Yes, sir.

Q. Has there been an executive session every working-day?

A. No, sir.

Q. How often each week?

A. We have an executive session about once a week — generally on a Saturday.

Q. Yes; and sometimes not so often, I presume?

A. Sometimes; but generally the rule is once a week.

Q. Sometimes once in two weeks?

A. It has happened so and has been longer.

Q. Sometimes not for three weeks?

A. I don't know whether it has happened to be so long as that or not since I have been a member.

Q. What reason can you give for not living up to the rules of the Board?

A. It hasn't seemed necessary, but it was a rule which the Board itself made, and if it chose to suspend it, it had the right. It wasn't a statute or an ordinance, and the creature wasn't greater than the creator.

Q. You may be sure that I shall never take the rules of that Board for a statute, ordinance, or any sort of a law; but the rules of that Board operate as a law for the Board until they are suspended or repealed. Now, did the Board suspend those rules?

A. Not since I became a member.

Q. Did the Board repeal those rules?

A. Not since I became a member.

Q. Why, then, what reason do you assign for the non-observance of the rules?

A. I suppose it must be custom. When I came into the Board, I wasn't aware until some time afterwards that there had been any rules adopted — didn't happen to come to my knowledge.

Q. In other words, the plain English of the matter is, that the chairman convened all the meetings. Now, that is so, isn't it?

A. Convened all the meetings?

Q. Yes.

A. The chairman of every Board calls the meetings to order.

Q. I am talking of only one Board — am I not right?

A. The Commission of Public Institutions, like other Boards, is called to order by its chairman.

Q. I don't care about other Boards now, but I say meetings were called when the chairman chose. Am I not right?

A. When the chairman called to order, certainly.

Q. Yes. Now, the three Commissioners got together this morning, didn't they?

A. Yes; we were in the office together at half-past nine or ten o'clock.

Q. And transacted some business?

A. Yes; nearly every day there is something.

Q. I don't care about every day — I am dealing now with this one day out of the 365.

A. They transacted business, as they do on other days.

Q. I don't care about that. They met to-day for business purposes, didn't they?

A. Yes, sir.

Q. And the three were present?

A. They were present.

Q. Was the secretary of the Board present?

A. He was present.

Q. Did he read the minutes of the last meeting?

A. He did not.

Q. Why not?

A. The meeting was not called to order by the chairman.

Q. That is, the gathering was informal?

A. Informal.

Q. Any presiding officer?

A. The chairman was present.

Q. Well, now, was the secretary present?

A. Present in his apartment, which is adjacent to ours, practically all one.

Q. That is, he was what we lawyers call "constructively present?"

A. Constructively present, that is the idea.

Q. A portion of the matter discussed at that meeting pertained to this investigation, did it not?

A. To-day?

Q. Yes, sir.

A. Well, I don't recollect particularly. Naturally it would. That is the uppermost subject and has been since the 15th of March. I don't remember in what particular, Mr. Riley, but I have no doubt we spoke about it.

Q. Well, it is only three or four hours altogether since then. Your memory is always good, and I am sure it has suffered no lapse to-day, has it?

A. I hope not.

Q. I say the matter of the investigation was discussed by the Commissioners this morning?

A. It was certainly referred to.

Q. Yes, and after deliberation you were selected as the man to go upon the witness-stand, were you not?

A. No.

Q. Well, wasn't it discussed?

A. I came to the witness-stand in compliance with the request of my counsel, whose directions I followed.

Q. Was the matter discussed at the meeting this morning?

A. No.

Q. Was anything said as to who should go upon the witness-stand?

A. Oh, I won't say it wasn't spoken of.

Q. I am right, am I not?

A. Certainly you are — I don't deny it. It would be most unreasonable to deny it.

Q. I should think so, considering the information I happen to have. The chairman said he would not go upon the witness-stand?

A. No, sir; he did not say so.

Q. What did he say — that he would?

A. No, sir.

Q. He said he would?

A. The chairman, if you want to know anything about the chairman, I would say that the chairman is not well — is far from well.

Q. I don't say he is, and all I do say is, that he was present this morning?

- A. Oh, yes, sir.
- Q. You agree with me there?
- A. All three of the members were present at one time.
- Q. Did he say he was going upon the witness-stand?
- A. No.
- Q. That he was not?
- A. No, sir.
- Q. Say anything about it?
- A. The matter was spoken of.
- Q. What was said?
- A. I couldn't say exactly what was said, I don't know.
- Q. In substance?
- A. I will repeat what I did say, that the chairman stated he was not at all well. He has been ill for more than two weeks.
- Q. What was said about testifying?
- A. I don't recollect anything in particular.
- Q. Do you forget?
- A. Why, certainly I forget.
- Q. You do?
- A. About testifying? Can't you be more particular in your query? I don't remember any particular thing that was said about testifying — by the chairman?
- Q. Now, you don't mean that, do you?
- A. I do — every word of it, Mr. Riley.
- Q. Well, I am giving you time to think.
- A. Yes, sir. If I have forgotten anything you can prompt my memory and I will answer you truthfully.
- Q. Oh, no, no — I don't say that, but sometimes a witness gets confused upon the stand. But you are not that sort of a witness. Now, what was said in reference to the other Commissioner?
- A. Mr. Devlin? I don't recollect anything that was said in reference to Mr. Devlin.
- Q. Do you recollect that he said he wouldn't go upon the witness-stand if the chairman didn't?
- A. No.
- Q. What did he say?
- A. I know I don't think he said any such thing this morning.
- Q. What did he say?
- A. I don't recollect that Mr. Devlin discussed the matter at all.
- Q. Did he open his lips?
- A. Not in discussion. I don't recollect that he said anything whatever.
- Q. Did he speak at all?
- A. Why, yes, he wasn't dumb, but what he said in relation to the matter, if anything, I don't recollect, and I don't think Mr. Devlin did say anything in relation to the matter.
- Q. Did you say you were going to testify?
- A. Did I?
- Q. Yes, sir.
- A. Probably I did.
- Q. Did you?
- A. I have no doubt I did, because I was going to.
- Q. Did you tell them so?
- A. Certainly.
- Q. And they thought that was the thing to do, didn't they?
- A. I don't know whether they thought it was the thing to do or not.
- Q. What did they say about it?
- A. I know I didn't care to.
- Q. What did they say about it?
- A. Nothing in particular that I recollect.

Q. In general?

A. Nothing in general.

Q. How about the counsel?

A. They were there.

Q. Oh, then, you were holding a council of war?

A. Very properly.

Q. I suppose that at the business meeting of the Board outsiders were not allowed?

A. They are not at executive sessions.

Q. Then you had Brother Proctor there in all his glory and you had Mr. Reed there, didn't you?

A. We esteem it an honor, sir.

Mr. PROCTOR. — We were there.

Q. (By Mr. RILEY.) What honor is there to get the service of men whom you pay, men whom you get for hire?

A. Because we employ honorable men.

Q. You would be foolish if you didn't.

A. That is true.

Q. Well, what were they up there for — a business meeting?

A. To confer in relation to the hearing this morning.

Q. That is it — to find out who would testify and who would not. Am I right?

A. Why, most assuredly. They would not come to this court without a witness.

Q. That is, before the Commissioners could make up their minds whether they would venture on the witness-stand or not they brought the counsel up to the office?

The CHAIRMAN. — Mr. Riley, haven't you one of the Commissioners on the stand at the present time? You cannot have more than one at a time.

Mr. RILEY. — Well, don't you know whether I have or not?

The CHAIRMAN. — Well, I know you have.

The WITNESS. — Well, there is nothing to hide in relation to this, Mr. Riley.

Mr. RILEY. — I understand. What did you have the lawyers up there for?

Mr. PROCTOR. — We went up there ourselves, Brother Riley.

Mr. RILEY. — Now, you want to help him out — you don't think he has as much sense as you have.

Mr. PROCTOR. — Yes, sir, I do; and a good deal more than you have.

Mr. RILEY. — You are very complimentary.

Mr. PROCTOR. — Naturally, before the wind-up. I like to state things that there is no mistake about.

Mr. RILEY. — I am very sorry to make you so uncomfortable.

Mr. PROCTOR. — You don't. I don't care for gadflies.

Q. (By Mr. RILEY.) What did you have them up there for?

A. They came of their own free will and accord, Mr. Riley.

Ald. LEE. — I don't see wherein this is throwing any light on the management of the institutions.

The CHAIRMAN. — It seems to the Chair that you have one of the Commissioners of Public Institutions on the stand now.

Mr. RILEY. — Well, it so happens that he has been there but a very short while.

The CHAIRMAN. — But he knows about it.

Mr. RILEY. — Splendid; but you see he is not responsible for the other men.

Q. Now, you will agree to this, won't you, that upon consulting together and taking the advice of the lawyers it was decided to put you upon the witness-stand. Am I not right?

Ald. LEE. — I object. Don't answer that.

Mr. RILEY. — Well, well, well!

Ald. LEE. — I object. It has got nothing to do with the management or system of the institutions at all — this kind of cross-examination. Let us get down to business.

The CHAIRMAN. — It seems to the Chair that one of the Commissioners is here on the stand, that Mr. Riley has the privilege of examining him, and should be allowed to continue to do so. But he should confine himself to the present witness.

Mr. RILEY. — I supposed you would like to know how the testimony came to this place and by what strange device it was brought here?

Ald. LEE. — Not at all. We are ready to hear any questions as far as the management of the institutions is concerned, but individuals I don't think the committee wants anything to do with. That is not for us at all — that is for the executive, not the committee, unless there is something criminal, and then we might go to the Grand Jury as County Commissioners and have the guilty parties indicted.

Mr. RILEY. — Some people are not anxious to go to the Grand Jury.

Ald. LEE. — There might be some people brought up there with a quick turn.

Mr. RILEY. — Oh, I tell you — I am looking at some people not far away.

Ald. LEE. — Well, there are others that we might look at who ought to be there.

Mr. RILEY. — Yes, some you know ought to be.

Ald. LEE. — Yes, some we know ought to be there.

Mr. RILEY. — Yes, that is very true — some I know ought to be there, surely.

The CHAIRMAN. — Mr. Riley will proceed with the examination of the witness?

Q. (By Mr. RILEY.) Now, Mr. Witness, I find that the records as read last night told us of the refusal of a nurse for Long Island — a night nurse. Can you tell us why that refusal was made?

A. Wasn't that before my time, Mr. Riley? I think it was. I am quite sure, Mr. Riley, that it was before 1892.

Q. Before '92, was it? Then if it was, of course I shall not seek to ask you about it. Yes, sir; it was before your time, and I won't ask you about that. That was in '91. Now, at all the meetings held by the Commissioners have you had the secretary present?

A. The executive meetings?

Q. No, I mean all the business meetings?

A. Well, those are the business meetings. You had explained to you by the secretary the conduct and force of those meetings. I don't know that I can add anything to it.

Q. Well, you say there was an explanation. Doubtless it was meant as an explanation, but my experience has taught me that most explanations do not explain — they confuse.

A. Well, if I can add anything to it, Mr. Riley, to make it clear, I will be glad to do so.

Q. Then the secretary was only present whenever you held what you call "executive meetings"?

A. Yes, sir; at which the records were read.

Q. Did you have any knowledge of the treatment of infected and filthy clothing in the House of Correction?

A. I must confess, Mr. Riley, that until the matter was brought to the attention of the public, I did not know that the clothing was placed in the oven to be purified from vermin.

Q. Then you learned that about nine months ago?

A. Well, I think a little earlier than that; somewhere about that time. I had an idea somewhat earlier than that.

Q. Well, you learned of that about a year ago?

A. Yes, sir; I think it was.

Q. Now, of course you were shocked when you got that information, were you not?

A. Why, no.

Q. Did you think it was the proper thing to do?

A. I didn't think it was a desirable thing to do.

Q. Well, did you think it should be remedied?

A. If it were done in the light you stated last night I should think it ought to be remedied; but food and vermin were not cooked together.

Q. Not mixed?

A. Not mixed.

Q. Because if they were people wouldn't eat the food, I suppose?

A. I should hope not.

Q. When you learned of the true state of affairs did you approve of it or not?

A. No, I thought that a steam drum would be much more desirable.

Q. Yes, sir; and you knew a steam drum wouldn't cost much, didn't you?

A. Well, how much it would cost I didn't know, but not so very expensive.

Q. Well, it wouldn't cost very many hundred dollars, would it?

A. Not a great many.

Q. And you think now that that thing should be remedied, don't you?

A. I am quite sure it will be in due course of time.

Q. No, I didn't ask you about the future, but I am speaking about the present time. You think now that it should be remedied?

A. I think the steam drum is a better plan than the baking in the oven.

Q. Don't you think it should be remedied?

A. Yes, sir; and will be probably.

Q. Didn't you think it should be remedied when you first got the information?

A. Well, I can't say that I didn't think so.

Q. You did think so?

A. But we were in the transition state.

Q. But you did think so? — your mind wasn't in a transition state?

A. I don't know — it has been in a disturbed state the last nine or ten months.

Q. I hope I haven't contributed to it?

A. I hope not.

Q. Now, will you answer this, why you have allowed a year to roll away without supplying a steam drum?

A. The conditions were not nearly as bad as represented.

Q. What conditions?

A. In regard to the destruction of vermin.

Q. What conditions?

A. The destruction of vermin — I thought you wanted me to explain — I beg pardon.

Q. No, this is the last day for one side, and then we have only one day. You admit that the condition of things should be remedied, don't you?

A. I think it would be an improvement.

Q. And you are going to do it, aren't you?

A. I think we shall.

Q. Why have you allowed a year to roll by without doing it?

A. I think a good many things would have been done if we hadn't been in the constant state of turmoil we had been in in connection with the investigation.

Q. But you had the information three months before the investigation began, didn't you?

A. I don't know just when — sometime within a year.

Q. Do you mean to say, under the solemnity of an oath, that this investigation has prevented the Commission from applying the remedy, especially when that remedy called for the expenditure of only a few hundred dollars, if so much?

A. If the action was so bad as represented I might have felt differently; — but if I may be allowed to say so the vermin placed in the oven were in a tight bag, the idea being that vermin is destroyed by heat, that the heat destroys everything, and it does no harm to the bread that may follow, what may be baked when the oven is cleared. I don't like the idea, I will confess, any more than I like the idea of mixing pudding in a sink.

Q. That is the condition of things to-day, isn't it, in the House of Correction?

A. It is, as far as I know.

Q. Why have you allowed the matter to exist until now?

A. Perhaps it is a matter of neglect, Mr. Riley.

Q. Whose neglect?

A. Mine.

Q. Well, do you say so? Do you take the blame upon yourself?

A. In part; yes.

Q. Then so far as that is concerned, you have no excuse to offer for the Commission, have you?

A. None.

Q. The reason I ask you this is because when we were over at the House of Correction taking testimony, the master notified the committee that it would be unnecessary to ask any questions about that, because they admitted that that was the condition of things up to that time.

A. As he admitted that it was so, it must be so. I don't deny it now.

Q. Then certainly in that matter the Commission has been negligent?

A. I think so.

Q. And one other matter — when did you first learn of the Massachusetts law providing for a lock letter-box in such an institution as the House of Correction?

A. I knew it some years ago, Mr. Riley.

Q. Well, when did you learn that the House of Correction here did not have such a box?

A. Not for some time, quite awhile after I became a member of the Commission.

Q. Was it before this investigation or since?

A. I think I had heard of it before the investigation, but I won't say surely. I think I had.

Q. Well, when that information came to you you realized that the law was not being observed, that it was being broken in that respect, didn't you?

Q. Yes, sir; and I should put that in the same category as I do the disinfection of the plant.

Q. That is, it will be remedied in the future?

A. Not that alone, but it had become a custom and it had been followed a long while. But I think that the law should be complied with.

Q. Well, you don't mean quite that — the law was passed some fifteen or more years ago. You know that, don't you?

A. I knew that when a member of the Committee on Prisons of the Massachusetts Legislature.

Q. The object of passing that law was to break the custom, wasn't it?

A. Break what custom?

Q. Why, the custom that has prevailed of not having a letter-box there?

A. Yes, sir.

Q. And the very object of passing the law was to have such a box?

A. Assuredly.

Q. And to upset the old custom and way of doing things?

A. Yes, sir.

Q. Now, when you became a Commissioner and found that there was no such box being kept at the House of Correction, that there was a flagrant violation of the solemn law, what steps did the Commission take to remedy that?

A. To my knowledge, nothing.

Q. Well, why not?

A. I don't know that there is any excuse for the Commission failing to enforce that law. The discipline and the direction of the House of Correction are in the hands of the master.

Q. Yes.

A. Entirely, and we never interfere with them.

Q. Why, if you found the master doing wrong, if you found it to be an undisputed fact that the master was not a man to be trusted — now, mark you, I am not saying anything of the kind, because I know him.

A. Not at all.

Q. But I am putting what the doctors call a hypothetical case — if you found the master was a man constantly engaged in breaking the law or, for instance, found that he was breaking the law in using intoxicating liquor as a beverage, which is prohibited by our statutes, you would remove him, wouldn't you?

A. We should exercise that control which is about the only thing which we can do at the House of Correction — remove the master. We can't touch his officers.

Q. Now, you found him breaking the law in reference to the letter-box?

A. It was certainly an evasion.

Q. Not at all, an evasion doesn't touch it — it was a breaking of the law, wasn't it?

A. Well, we will admit for the sake of argument that it was.

Q. Now, you didn't need to remove the master for that, but why didn't the Commission insist on placing a letter-box there?

A. Well, there is no excuse, Mr. Riley, for the evasion of the law. The fact of the prisoners' being allowed to write remains just the same. I can't excuse that and I won't attempt to.

Q. No, you know, Mr. Pilsbury, of course, as an intelligent man, as a good citizen, as a honest man — I gave you credit of possessing all three to the full, and I think all who know you do —

A. Thank you.

Q. You know that about as serious an offence as a man can commit, unless he gets high up in the catalogue of felonies, is while holding a high public position to place himself above the law. You know that, don't you?

A. I do.

Q. That is just what the Commission and the master have been doing, isn't it? You assent to that, do you not?

A. It comes pretty near to that, Mr. Riley. I acknowledge that it is a matter which we cannot explain.

Q. Now, have you had any knowledge of the fact that the officers in the House of Correction were carrying fire-arms?

A. Nothing, excepting as I have heard the statement made on the stand. We don't provide them with fire-arms.

Q. No, — you never heard of it until it came out here in evidence?

A. Yes, because I knew an officer had shot a prisoner. Of course I

must have known it then. That was my first knowledge that any of the officers carried fire-arms.

Q. Well, that was some time ago, wasn't it?

A. Yes, sir; I think last July, wasn't it, last summer?

Q. Now, when the Commissioners became aware of that fact what steps did they take either to prohibit the carrying of such arms, or, if they were to be carried, to see that those who carried them had some drill, some instruction in their use?

A. None whatever, Mr. Riley.

Q. Now, don't you think it is a pretty dangerous thing to get an officer, whether from town or country, who has never been used to carrying fire-arms, and intrust him with a loaded revolver without giving him any instructions at all?

A. Well, you know our officers come to us from the civil service, and the civil service examine men so thoroughly that we must suppose that they have judgment, are careful enough to handle a revolver, at least.

Q. Do you think that they examine House of Correction officers, men who applied for the position of officers there, in the use of fire-arms?

A. I am sure I don't know. They examine them in some remarkable things, I know.

Q. Yes, some remarkable things connected with dates in ancient history. You mean to say that all the officers in the House of Correction serving under Colonel Whiton have been sent to him by the Civil Service Commissioners?

A. As far as I know. When he requires an officer he makes application.

A. That is your impression, is it?

A. Yes, sir.

Q. Of course you won't be positive about that?

A. Well, yes.

Q. You are positive?

A. All the officers who come in that class of service, all officers for a prison or House of Correction.

Q. Then you are positive that they all come through the civil service?

A. Through civil service; yes, sir.

Q. We will let it lie that way for the present. Now, how long have you been aware of this fact, that the deputy carried a monkey-wrench and had been in the habit of assaulting prisoners with that when he thought occasion required?

A. I haven't been aware that he carried a monkey-wrench. I have been aware that he has carried a stilson-wrench quite a little while.

Q. What is the difference between a stilson and a monkey-wrench excepting in size?

A. They are both the names of the individual. Monkey is the name of the man who invented that style of wrench called the monkey-wrench, and Stilson of that style called the stilson-wrench.

Q. But you know that such a weapon is a dangerous one if used in a dangerous way, don't you?

A. Oh, certainly.

Q. And did you hear the reply of Dr. Richardson the other night?

A. I did.

Q. That it was pretty dangerous to use a weapon of that kind upon the human head?

A. When used by a 300-lb. man.

Ald. LEE.— And a wrench seven feet long.

Q. (By Mr. RILEY.) Yes, or any kind of man, almost.

A. Yes, sir; I heard it.

Q. Now, you heard the deputy also say that he was in the habit of using the wrench upon the heads of the prisoners, didn't you?

A. When he thought necessary I inferred he did.

Q. Well, do you think it necessary that he should use a weapon of that kind?

A. When occasion required he was justified in using it.

Q. Why did he carry a monkey-wrench?

A. He stated in his answer and showed you the wrench and told you what he did with it. I can't tell you more than that.

Q. You listened to his statement?

A. I did.

Q. And you approved then and are willing to approve now of his carrying that weapon?

A. I certainly am.

Q. Do you approve of it?

A. I think his duties require him often times to make use not of that weapon but of that implement.

Q. Yes, but he appears to have made use of it by striking human skulls. Do you approve of that?

A. Under certain conditions; yes.

Q. Cannot he get any other weapon except a dangerous weapon like that?

A. Certainly; he might get a loaded billy, or use the butt end of a revolver, but I would rather take my chances with a stilson-wrench. I think Mr. Riley, that an officer assaulted by a prisoner should defend himself. Excuse my interpolation if it wasn't desired.

Q. It needs no prophet to tell us that, because self-defence is the first law of nature.

A. Most assuredly, sir.

Q. Are you aware of the quantity of food given to prisoners in solitary in the House of Correction?

A. I was not aware that, as has been stated here in testimony, but five ounces were given.

Q. Well, you know that is just what Deputy Witham testified to, isn't it?

A. I think he testified to five ounces. I know the master has told me that the quantity was not less than six, privately.

Q. If you followed the deputy's testimony, in substance it was this, that the loaves were of about 15 ounces, that they were made in three parts, and that one part was served to the prisoner in solitary every twenty-four hours?

A. Well, if you say he stated that I agree to it. Of course, I don't remember that he stated it.

Q. That is my understanding of it, and I think it is correct, although, for the sake of the prisoners, I hope the amount is larger. Now, if that be the case what do you say as a Commissioner? Do you think that is enough food for the twenty-four hours?

A. About five ounces? I don't think so.

Q. You heard what Dr. Maurice Richardson said about that the other night, did you not?

A. I did.

Q. And you agree to one of the simple truths he laid down in one of his answers — that prisoners, even in solitary, are put there for the purpose of punishment and not for the purpose of abuse? You agree to that?

A. Yes, sir; that is right.

Q. Now, you wouldn't say that a pint or a pint and a half of water accompanying that small portion of bread would be enough for a prisoner in twenty-four hours? You wouldn't say that, would you?

A. It certainly wouldn't be all that he would desire, and I don't know

that it would be as much as he would require. If there were but five ounces it seems to me it would be insufficient.

Q. And the amount of water it seems to you would be insufficient, would it not?

A. A pint and a half?

Q. Well, Mrs. Lincoln said a pint and a half, and she is very much more apt to be correct in those matters than I am, because she weighs her words before she utters them. She says a pint and a half, and I am willing to assume that to be the amount. Now, you wouldn't say that that was enough in twenty-four hours, would you?

A. No, but I had an idea it was more. I have seen the measures in which they receive water.

Q. Now, you may assume that it was or was not more. Of course, as a sensible man, you have a fair idea as to the amount of water the human body throws off in twenty-fours, haven't you?

A. There is a great difference in people in the amount of water consumed, you know.

Q. Take the average man — if I may be pardoned for using that common phrase.

A. Certainly.

Q. You would agree that he ought to have more than a pint and a half of water in twenty-four hours, especially accompanied by only five ounces of bread?

A. I should find it pretty difficult to get along with that amount of bread.

Q. And you would give more, wouldn't you?

A. I should.

Q. Now, what steps has the Commission taken to remedy that dreadful condition of affairs, because, mark you, this is the last quarter of the Nineteenth century?

A. I have spoken to the master in relation to it. I never have been present when it was served to the prisoners in solitary, but I have understood from the master that the quantity of bread was greater.

Q. Assuming it is, as I say, or even better, if you like, assuming what the master says, that it is six ounces, for an ounce doesn't make much difference?

A. It would go a long way, makes a considerable difference. I won't say it is enough, however.

Q. It would if it were gold, but not mere flour. Now, what steps have the Commissioners taken to remedy that?

A. None. The discipline of the House of Correction, Mr. Riley, is wholly in the hands of the master, and the statutes place it there.

Q. Are the Commissioners afraid to give the master advice?

A. Never.

Q. Then when you think necessary you do give advice, don't you?

A. Yes, sir.

Q. Now, you haven't given any advice for the improvement of that abuse, have you?

A. I beg your pardon. I told you several times that I had spoken to the master in relation to it and the quantity of bread.

Q. Have you told him it wasn't enough?

A. I told him in my judgment —

Q. Have you told him to increase the amount of bread and water?

A. No.

Q. Why not?

A. He is a man of judgment, I think.

Q. Then you haven't given him any advice?

A. Well, I don't think the statement that has been made is true, with a full knowledge of the master of the House of Correction.

Q. Well, the master told you that he gave only six ounces?

A. Not less than six.

Q. And didn't say he gave them more?

A. No.

Q. You don't think six ounces are enough?

A. I don't think they are enough to sustain a man's life for an indefinite time, but I think if a man is put in solitary for punishment he should be stinted on his supply of food and water.

Q. Not to the extent —

A. Of starving him; no.

Q. Not to the extent of affecting the body and then the mind?

A. No.

Q. Now, are you willing to state under oath that you would advise the master to increase the quantity of both bread and water in solitary imprisonment?

A. Under the advice of the medical officer of the institution.

Q. Who?

A. Dr. Bancroft.

Q. Wouldn't you prefer to take the judgment of a man standing as high as Dr. Maurice Richardson, a man with not only a head and a good one, but a heart and a big one?

A. He has had no association or experience with the discipline of prisoners.

Q. But he knows more in an hour perhaps than some of your physicians in a life-time?

A. I shouldn't wonder a bit. He has the credit of knowing a great deal, and I have great respect for his ability as a surgeon.

Q. Now, are you willing to advise the master to increase the amount?

A. I am willing to advise the master to increase the amount to an amount which his medical man who is in constant attendance upon a prisoner and knows his needs says he ought to have, and I wouldn't interfere with him.

Q. But the trouble is that his medical man — you use the phrase aptly — is really his medical man, because he is under him, and if the medical man should undertake to run counter to the master complaint would be made and some other medical man obtained. You see that?

A. No, I don't think I should place men on quite so low a plane as that. The master is a humane man and the doctor is an honest man and would tell what he believed to be the truth, and what was necessary.

Q. Well, don't you know very well that it is not the master but the deputy that runs that institution?

A. Oh, no.

Q. That he is the executive officer?

A. Certainly he runs it under the direction of the master.

Q. Now, don't you see that while you continue in that frame of mind, having full faith in everybody over there, there will be never any improvement, never any remedy for the abuses? Don't you understand that?

A. I don't admit the abuses.

Q. No, you deny them. That is so, isn't it?

A. Yes, sir. I have already stated that if the conditions you state are true, there are abuses, but I don't admit them.

Q. Wait a minute. Do you admit that out of eighty-nine insane cases coming from all the penal institutions of this Commonwealth, coming from nearly eight thousand prisoners, that the House of Correction in our county here turned out twenty-five of those in '89?

A. In one year; yes.

Q. Yes, sir. Don't you think that is enough to put the Commissioners upon inquiry as to the cause?

A. I think it is very pertinent that there should be inquiry made. It is an unusual condition.

Q. Didn't you learn by the testimony here, if not before it was given, that a number of insane people had been put in solitary cells for days and days and days—one of them for nearly twenty days, if not more?

A. Never knew that.

Q. Did you listen to the testimony of Dr. Bancroft?

A. I did, very carefully.

Q. Didn't he tell you they were insane when they were there, came to the institution?

A. He said in his testimony—

Q. Didn't he say they were insane when they entered the institution?

A. His statement, I believe, was that they were insane when admitted or probably insane when admitted.

Q. Yes, of course, and the solitary confinement probably came to them after they were admitted, didn't it?

A. He also said that he didn't allow a man in solitary whom he thought insane.

Q. I understand that he plead ignorance of that fact. I understand that well.

A. The master must depend upon his knowledge.

Q. Then when you have to depend on the knowledge of others don't you think it is your duty, representing as you do one of the richest cities on the continent—certainly the richest when you consider its population and size—and the most intelligent city, perhaps, this side of the Atlantic, and a city that leads in matters of this kind and matters of humanity, don't you think that when you have to rely on the knowledge of others you should secure the very best knowledge in the market?

A. I think we should secure competent knowledge, surely. I don't think it is requisite to secure the highest priced knowledge.

Q. Do you think you can do that by paying a physician \$500 a year and asking him to go to the institution for about two hours every day in the year?

A. I think if I were the physician I shouldn't want to do it for that sum.

Q. No. Why do you ask any physician to do it, especially when the city empowers you to employ the best you can get?

A. But whatever the price may be, I think Dr. Bancroft is a capable, efficient, and honest man, and it isn't dependent on the price. If he is worth more he ought to have it.

Q. You haven't taken any steps to separate the prisoners in the House of Correction and to keep the young criminals who are sent there for trivial offences apart from the hardened and the notorious adult prisoners, have you?

A. Yes, sir.

Q. What steps?

A. Asked the municipality to give us money whereby we may erect a proper house of correction.

Q. But while waiting for the municipality to do that what steps have you taken to have it done in such quarters as you now have?

A. None at all.

Q. That is the idea.

A. And it is almost a practical impossibility.

Q. Now, while I am on this matter, will you tell us what price the Commission has been paying for the butter supplied to the institutions for convicts and inmates?

A. I can't tell you exactly, Mr. Riley, because I don't buy it.

Q. You have a pretty fair idea?

A. I think somewhere about 18 cents—18 to 21.

Q. Will you swear that butter has not been bought as low as 11 cents a pound?

A. None to my knowledge. I don't recollect any that has been bought at that price.

Q. Who does the buying?

A. The chairman of the Board.

Q. Well, what particular duties do you perform — such duties as the chairman assigns you?

A. Many such. We have a great many general duties that keep us constantly busy, but we do none of the buying.

Q. And the duties you perform are such duties as he assigns to you?

A. We do perform the duties he assigns and a good many others.

Q. What is the price paid for meats?

A. That is a contract price, varying according to the portion of the beef.

Q. It is as low as four cents a pound for the beef, isn't it?

A. Yes, sir; some four cents and a fraction.

Q. Now, you don't expect to get good beef for four cents a pound, do you?

A. Oh, yes, sir; we do, and we do get good beef.

Q. At that price?

A. Yes, sir.

Q. Well, perhaps you know something about the price of tea — we all do by this time, that beautiful "Congo" tea coming from far-off India? Now, have you ever tried that tea?

A. Yes, sir.

Q. Have you drank it?

A. Yes, sir; I have, in my own home.

Q. In your own home?

A. I have.

Q. Have you drank it in your home?

A. I have. I brought a sample home, enough for my wife to make a drawing, and we had it for supper-time. My family drank it, and I want to say that I was surprised to find how good it was. I asked a certain member of my family what she thought that would retail for, and she said 40 cents a pound, and they never had an idea until that moment of what it really cost.

Q. That is delightful.

A. It is a fact.

Q. You took some home and had some tea made?

A. Yes, sir; didn't even tell my wife —

Q. Now, if you please, don't let us get too enthusiastic over it. You had some tea made?

A. Yes, sir.

Q. And sat down to it?

A. Did.

Q. Had it at night, I suppose?

A. Yes, sir,

Q. And you woke up alive the next morning?

A. Yes, sir — lived through it.

Q. And gave it to your servants?

A. Yes.

Q. And nothing happened to them?

A. I don't know of any casualty in my family within the next twenty-four hours.

Q. Now, you have used it ever since?

A. No, sir.

Q. Oh, you have not?

A. Had only enough for that one drawing — got a sample.

Q. But there is plenty more, they tell me, down on State street — why did you abandon the use of it if it was such a delightful tea?

A. Because I like a better tea.

Q. I thought so.

A. That is honest, isn't it?

Q. And I can assure that in my judgment the inmates of the institutions would like a better tea.

A. I don't doubt it, sir, and a better everything else. We all would like turkey and plum pudding oftener than we have it, and the inmates would. But it is a very good tea, Mr. Riley, in my judgment — a very good drink. You can call it "Congo tea," or "Cambric tea," if you want to.

Q. And it is so good that the Commissioners are bound to stick to it, I presume?

A. As long as it is as good as it is, I think the Commissioners will purchase it.

Q. What do you say to molasses at ten cents a gallon?

A. That I am very much surprised that so good an article can be bought for the price.

Q. You never heard of anybody else getting so good an article for that price?

A. I don't know that I did. The Commissioners of Public Institutions, buying large quantities and paying their bills promptly, are able to get things very cheaply.

Q. That is, to get molasses for a cent and a quarter a pint. You think that good molasses can be bought for that price?

A. I don't know what the ordinary price of molasses is, but that is a good article.

Q. What do you pay for molasses at your home?

A. I don't know; haven't bought any for a good while — but it is a very good article.

Q. And what have you done towards remedying the matter complained of in reference to the boat running to the islands? You remember the testimony as to the way the House of Reformation boys and truant children sent down there were allowed to mix with the adults?

A. Oh, that was before my time — never have since I have been a member of the Board.

Q. That isn't being done now?

A. No, sir — never ought to be, either.

Q. I am glad of that.

A. I hope they won't have to go to the island a great while longer.

Q. Now, in reference to Long Island, before you were appointed to your present position you held another important one on the Board of Health, did you not?

A. Yes, sir.

Q. Will you state whether while on the Board of Health a complaint was made against the present superintendent of Long Island?

A. A complaint?

Q. Yes, sir.

A. By whom? A complaint to the Board?

Q. Yes, sir. I haven't mentioned any names yet.

A. I don't recollect of any complaint made, but I won't fence with you, Mr. Riley I know what you mean. You mean the matter between the two commissions, do you not?

Q. Was it in reference to the present superintendent?

A. In reference to the superintendent.

Q. Who made the complaint?

A. It wasn't in the nature of a complaint.

Q. What do you call it? I will take your name for it.

A. Well, it wasn't a compliment. That I know.

Q. Well, give it any name you like. Let us have a label, and then we will proceed.

A. Then it was a difference — a difference as between the superintendent —

Q. Don't you think complaints grow out of differences?

A. Well, term it what you like yourself.

Q. Well, we will agree that complaints —

A. Call it so.

Q. — were made.

A. I have not called it a complaint. The chairman of the Board of commissioners of Public Institutions, the first thing I knew about the matter, came to the office of the Board of Health.

Q. It was in relation to the present superintendent?

A. The present superintendent of Long Island.

Q. What was the complaint?

A. As he explained it here the other night in his testimony, in reference to a difference of opinion.

Q. What did the chairman want the Board of Health to do?

A. I was just going to tell you. There was a difference between the superintendent of Deer Island and Dr. Cogswell, who was then port physician and assistant physician at Deer Island, and, if I remember rightly, it was in relation to a position which he took that he had a right to have certain company on the island, that he thought it was his right, and the superintendent of Deer Island thought it was not. That is as I remember it, sir.

Q. But that is all apart from my question — how simple! What did the chairman of the Board of Public Institutions desire the Board of Health to do?

A. Regulate the matter I have been speaking to you about.

Q. What did he ask the Board to do?

A. To regulate the matter of which I speak.

Q. Well, the word "regulation" covers a world — what did the chairman ask your Board to do?

A. I know the chairman of the Board of Health assured the chairman of the Board of Public Institutions that he never would have any more trouble in that particular.

Q. Did the chairman of the Board of Public Institutions ask for the removal of Dr. Cogswell?

A. No, sir.

Q. What did he desire done? What did he ask you to do?

A. He desired that there should be no repetition.

Q. Of what?

A. Of the very act which I told you about, the claim by Dr. Cogswell that he had a right to entertain people upon Deer Island as against the wishes or opinion of the superintendent.

Q. Then he didn't ask for the removal of Dr. Cogswell as Health Officer or Port Officer?

A. No, sir.

Q. He did not?

A. No, sir.

Q. I am sorry it took so long to get at that.

A. If I had understood your mind, Mr. Riley, I would have answered it sooner.

Q. How many riots have you had at Deer Island since you have been a Commissioner?

A. I think but one.

Q. Only one?

A. I think but one.

Q. When was that?

A. It was in '93.

Q. Was that caused by lack of discipline on the part of the officers?

A. It was caused by "small potatoes."

Q. What do you mean by that?

A. I mean that upon one occasion the prisoners were served in their soup — I think it was the soup — with a lot of potatoes that grew upon the island and which were small.

Q. Well, the lack of discipline on the part of the officers had nothing to do with it?

A. No, sir; nothing at all. There hasn't been any lack of discipline since I have been a member of that Board.

Q. Now, you were not a member of the Board at the time of the other riots and had nothing to do with the punishments meted out then?

A. No, sir; nothing.

Q. How many inmates have you at the Truant School?

A. I think there are about twenty now. I don't know exactly, but I think about twenty.

Q. How many teachers now?

A. Only one; there have been two.

Q. Who is the teacher?

A. I don't know, Mr. Riley, who the teacher is now. I don't know that you are aware of the fact that some of the truants were allowed to go at vacation-time, were pardoned.

Q. And you wanted to take them back again, and found it difficult?

A. No, sir.

Q. You took them back?

A. Took back those who were sent back — I don't know whether the same or not.

Q. How many are there now?

A. Twenty, I think.

Q. And you have but one teacher?

A. Yes, sir.

Q. You have had two?

A. Yes, sir; I think two.

Q. Will you name the two?

A. Beavins was one, and I think, Fulton.

Q. Now, are they there now?

A. No, sir.

Q. Neither?

A. Neither one.

Q. When did you discharge Beavins?

A. Oh, he was not discharged.

Q. When did you let him go?

A. I think at the beginning of vacation.

Q. Yes. He didn't resign, did he?

A. Oh, yes, because there was nothing for him to do.

Q. Wouldn't he have remained if you had continued to pay him the salary?

A. I think not.

Q. Why not?

A. Oh, continue to pay the salary and do nothing?

Q. Yes, sir.

A. I doubt if he would. He was a very industrious man, an intelligent man.

Q. When did he go?

A. I don't know. The record will tell.

Q. About when?

A. August or September.

Q. When did Fulton go?

A. Couldn't tell you, sir.

Q. About how long ago?

A. About the same time, I suppose.

Q. Now, you remember Fulton was a witness here, don't you?

A. I do.

Q. He was a teacher down at the institution at the time he testified, wasn't he?

A. Yes, sir.

Q. How long after giving his testimony did he go?

A. I am sure I couldn't tell you.

Q. Well, we will take your judgment on it?

A. Well, I think in September, or somewhere about there — or October, possibly.

Q. He left in a week or two afterwards, didn't he?

A. Oh, no, not to my knowledge. But the record would tell. I wouldn't know about it, you know, particularly.

Q. Well, he and Beavins left at the same time?

A. I don't know, Mr. Riley. I presume they did — there was nothing for them to do.

Q. Now, the one teacher, you cannot give his name?

A. I cannot give his name.

Q. When did you get him?

A. I think he was there before they left.

Q. When did you get him?

A. I don't know.

Q. Don't you know that for a time after they left, the Truant School was without a teacher?

A. I should think the reason why they went was because there were no truants — went up one by one, until there were but twenty.

Q. I don't care about "because" at all. I want simple answers to simple questions. Do you admit that for a time the school was without teachers?

A. Possibly.

Q. Or do you swear it was not?

A. I won't say either way. I don't know that it was.

Q. Precisely — that is an answer to my question. Let us pass on. You have truants now?

A. Yes, sir.

Q. And one teacher?

A. Yes, sir.

Q. You say that is enough?

A. Oh, yes, sir.

Q. You know the Truant School is something apart from the House of Reformation?

A. Yes, ought to be.

Q. Well, it is?

A. It is, yes.

Q. What do you say to this question — Are the truant boys in the House of Reformation a certain portion of every day?

A. Not to my knowledge, sir.

Q. I have information which may be correct or it may not — I won't undertake to say, for I am not on the stand — that the truant boys are sent into the House of Reformation because there isn't help enough in the Truant School, and they are kept there from one to two hours every day. You say you don't know anything about that?

A. I do, sir — never heard of it before.

Q. It is worth looking into?

A. We hear a good many things outside, Mr. Riley, that I wish we might hear inside, so that we might have a chance to remedy.

Q. Do you still continue, when visitors come to the institutions, to send down word or to signal the authorities down there?

A. To what?

- Q. Do you?
- A. I don't know as I quite understand your question.
- Q. You know that visitors go to the institutions, don't you?
- A. Oh, visitors from the city?
- Q. Yes.
- A. To visit an inmate?
- Q. To see what sort of institutions you are running?
- A. Oh, no.
- Q. Don't you have any visitors?
- A. I am very glad you have asked me that question. I say no, as far as I know, — no.
- Q. No to what?
- A. To your question — “Do you still signal when you have visitors?” — etc.
- Q. I thought you said you didn't understand?
- A. Well, it dawned upon me.
- Q. You did signal at one time?
- A. I did not, and I am glad you have asked the question.
- Q. Didn't the Commissioners do that?
- A. Signal?
- Q. Send down word?
- Ald. LEE. — Hoist the flag.
- Mr. RILEY. — Oh, not necessarily.
- The WITNESS. — When you asked the question that is what I had in mind — the hoisting of the flag.
- Q. (By Mr. RILEY.) Now, don't get enthusiastic over that.
- A. I am not enthusiastic.
- Q. Now, did the Commissioners ever send word when visitors were going down?
- A. I shouldn't be surprised if they did.
- Q. Has that practice been stopped?
- A. No, it is not a practice. You asked me if we ever sent word, and I should tell an untruth if I said no.
- Q. And that, of course, you wouldn't do anyway. That is done yet, isn't it?
- A. I don't know of an instance — I cannot recall.
- Q. And can you swear that they don't do it yet?
- A. I don't know that they do. I know I haven't done so, and I know in one specific instance when I was reported to have done so, I didn't.
- Q. Do you think if Mrs. Lincoln were to go down to-morrow or the next day or the day after, and the Commissioners knew she was going down and was going to take some friends with her to inspect the institutions — do you mean to say that nobody would send word down to notify the officers that she was coming?
- A. I certainly do.
- Q. You think she would pop in and surprise them, do you?
- A. Perfectly willing that she should pop in and surprise them.
- Q. No, do you think she could?
- A. Why, most assuredly she could.
- A. Then you want to contradict all the testimony that has been given in respect to signalling?
- A. I want to contradict the statement of Mr. McCaffrey that I sent word that Mrs. Lincoln was coming, because it was a falsehood.
- Q. (By Ald. LEE.) Well, did you ever send word down when the Board of Aldermen were going down?
- A. If they were going to Deer Island and were going to be there over lunch-time we sent word to have dinner ready.
- Q. (By Mr. RILEY.) Don't you suppose the Aldermen could go there without having lunch?
- A. I don't suppose they want to go hungry any more than the rest of people.

Q. And if you treated them that way they wouldn't be apt to go again — and I wouldn't blame them.

A. Oh, a great many times the Aldermen have been there and other visitors, and there used to be a time when they used to fly the flag when the Commissioners were on Board. That isn't done now, and I think it is a good omission.

Q. (By By Ald. LEE.) There have been times when the Aldermen have gone down and have not had any dinner, any banquet, such as my Brother Riley has referred to, with sherbet?

A. Yes, sir.

Q. (By Mr. RILEY.) Now, in regard to the burying of the dead, keeping bodies until a number accumulated, and then making large excavations in the ground, digging trenches and putting the bodies together — has that been done since you have been on the Commission?

A. You mean on Deer Island?

Q. Yes, sir.

A. I don't know that it has, Mr. Riley. I haven't heard.

Q. Have you inquired into that matter at all?

A. Yes, sir — made some inquiry.

Q. And you found that it has been done, did you not?

A. I have learned — not during my time, to my knowledge, has it been done.

Q. You have known that it was done?

A. I have heard that it was done.

Q. Has that been remedied?

A. But put in in a decent manner.

Q. Has that been remedied?

A. The burials are very few there, Mr. Riley.

Q. Has that been remedied — burying so many together?

A. I don't know of any that have been buried in that way. I couldn't answer from my own knowledge, but I don't know of any buried in the way you describe.

Q. But when you say they are buried in a decent manner you don't quite mean that?

A. Oh, yes, sir.

Q. Do you mean to say it is decent to keep bodies, perhaps for months, until they get thirty or forty together, or more, and then bury them in one large hole or pit?

A. Oh, the bodies are kept for the friends to claim them, and if they don't come they are buried.

Q. You don't keep them a month so their friends can claim them?

A. Oh, yes, they do.

Q. They have been kept for months until 40 or 50 have accumulated and then buried in a large hole or trench?

A. Never heard of such a thing; certainly not in my time.

Q. You haven't heard of burials by the score?

A. No, sir.

Q. Then each body is buried separately?

A. No, wouldn't say that. I have no doubt a great many are buried at a time.

Q. Yes — in one hole; am I right?

A. Well, you might call it one hole, but the bodies are placed in separately in a decent, respectful manner, and covered with earth.

Q. But all put in one hole, one pit, one trench?

A. Yes, sir, — but I never saw it.

Q. You wouldn't call that decent?

A. I wouldn't call it indecent, certainly.

Q. Don't you think there ought to be some services over the bodies of the dead?

A. I do. I think it is an excellent idea — not necessarily over the

grave, but it might be when it was transferred from the tomb to the grave. It is rarely ever that such services are held at the grave among any class of people. But I was about to say, Mr. Riley —

Q. No, let me say a little. What you mean is this, that the same condition of affairs exists now, that the same thing is done now that has been done right along, that there is no improvement. Now, am I right?

A. I won't say that you are right, because I don't know.

Q. Have you done anything to bring about an improvement in that respect?

A. I am sure there is no wholesale burial such as you speak of.

Q. Have you taken any steps to improve the practice?

A. No.

Q. That answers the question. Have you heard of such a thing as a drunken officer at Deer Island?

A. I have heard that there had been.

Q. Yes; you have known of many drunken officers there, haven't you?

A. No.

Q. Well, more than one?

A. I don't recollect any during my term.

Q. Only one?

A. I don't recollect any particular one, and I don't recollect that there has been any number of drunken officers during the last two years.

Q. Have you heard of such a thing as profanity at the island, at Deer Island?

A. I have heard of it in the testimony here — I never heard any other.

Q. No, but have complaints been made to you?

A. No, sir.

Q. As a Commissioner, or to the Commission itself, in regard to profanity?

A. No, sir; not to me or the Board.

Q. Have you heard anything about immorality on the part of the officers there?

A. Not a word, sir.

Q. And did you ever hear of the poor system of book-keeping down at the island until a committee of the Board of Aldermen discovered it?

A. I didn't hear of a particularly poor system, but I heard of some particularly poor penmanship.

Q. But you were here when the witness Halloran testified, were you not?

A. Yes, sir.

Q. You saw some of his books of account, didn't you?

A. Oh, yes.

Q. Did you approve of that system of keeping books for a great public institution?

A. Oh, yes, sir; the system is very good.

Q. And you thought the way he kept them equally good?

A. No; the penmanship was very difficult to decipher.

Q. Well, you didn't discover in regard to the penmanship until this Board discovered it for you, did you?

A. I don't know that I did.

Q. Why not? Why wasn't it the duty of the Commission to see that everything was going all right?

A. There might be a good many things that we might not see with ten institutions and 4,500 people to take care of, 400 officers, etc.

Q. Have you ever heard of the sale of coal to contractors down at the islands?

A. No, sir.

Q. Ever heard of a bill to one contractor of some \$2,000 or \$2,500?

A. Heard of it, but not during my administration.

Q. Then you became satisfied that the city has been selling coal to him?

A. I judged so, if it had a bill against him.

Q. Did you stop that?

A. I wasn't there to stop it.

Q. It was before your time?

A. Yes, sir.

Q. Do you know whether the Commission has taken any steps to collect that bill?

A. I don't know that it has.

Q. It has not been collected yet, has it?

A. Not to my knowledge; no.

Q. Why should you have allowed that bill of \$2,500 to remain outstanding?

A. Well, bills are left in the hands of the City Collector.

Q. Well, he isn't the man that brings suits when they refuse to pay?

A. Well, but the Law Department does that. We place all bills that we have against outside parties in the hands of the Collector.

Q. And since you have been on the Commission has bread or coal, or anything of that kind, been supplied to any contractors?

A. I have an impression, Mr. Riley, that last year—I won't say for sure, either, but I have an impression that some coal was sold to the Metropolitan Sewerage Commission during a time when they couldn't get coal. But it was paid for.

Q. Well, you call it by that name, but whatever that is it is represented by a man named Young, isn't it?

A. No—oh, no, no.

Q. Do you know Young?

A. No, sir; I don't know him. That was before my time. It is the Metropolitan Sewerage Commission that I mean—the Massachusetts Commission building the sewer at present. That was only for a short time during the shortage. There was a coal famine, you may recollect last spring.

Q. You said something about the lack of drainage out at Austin Farm, and it was a little vague?

A. For the Parental School.

Q. Now, where is that?

A. It is at the junction where the Charles River is crossed by Spring street, if you recollect, next to the Dedhum Line.

Q. In Roxbury?

A. In Roxbury.

Q. Now, that is a little vague in my mind, and I would like to have it clearer.

A. I was speaking of the occupancy of those buildings and what had deterred us from going—that they are putting in a system of drainage. There are sewers there, and we have been obliged at quite considerable expense to put in a system of drainage, which is not quite complete.

Q. Your building is not yet occupied, because it is not fit for occupation?

A. That is it.

Q. And the reason is because they haven't proper drainage facilities?

A. Yes, sir.

Q. That is a pretty expensive building?

A. Yes, sir.

Q. Cost how much, probably?

A. Well, that building, I have an impression, cost — I don't know as I recollect. I have an impression about \$40,000.

Q. Why should you put up a building without being sure that you might have drainage, a proper system of drainage?

A. Well, like all the other buildings about, we have to depend upon local drainage.

Q. I know, but why didn't you inquire as to whether you could get it or not, and if could, how soon, before putting up a building so expensive as that?

A. Oh, well, we knew we had got to establish our own system of drainage — I say "we," that is in the hands of the City Architect.

Q. Well, if you knew before you started on the building that you had to establish your own drainage, why do you delay now?

A. Delay?

Q. Yes, sir. Were it not for the lack of drainage you might occupy the building, might you not?

A. Yes, sir; if the drainage system were complete.

Q. (By Ald. LEE.) You couldn't occupy that building until that ordinance was passed and signed by the Mayor, could you, establishing it as a Parental School?

A. Oh, no, certainly not.

Q. (By Mr. RILEY.) But why put up a building until you were sure of a system of drainage?

A. We were sure, Mr. Riley, that we had got to establish our own system. It is being constructed.

Q. You said something about housing inmates of both sexes at Long Island?

A. In what relation?

Q. That is what I am about to inquire?

A. I have forgotten just the connection.

Mr. RILEY. — You remember, Mr. Brandeis, how he used the term?

Mr. BRANDEIS. — I think he said they expected to do it — to remove the women from Rainsford island there, and then remove the reform school from Deer island to Rainsford island.

Q. (By Mr. RILEY.) Oh, you mean to put both sexes on Long island — is that it?

A. Yes, sir.

Q. In different buildings?

A. Yes, sir.

Q. I understand. I was a little confused about that. Now, about the Insane Hospital at South Boston — are there any insane prisoners there now?

A. Yes, sir; about one hundred.

Q. About 100 at South Boston?

A. Yes, sir.

Q. I thought you removed them all some time ago?

A. Oh, no, sir — removed such as we had accommodations for at Austin Farm, and the buildings at Pierce Farm are supposed to accommodate the balance.

Q. (By Mr. BRANDEIS.) And they are nearly completed?

A. Yes, sir.

Q. (By Mr. RILEY.) Now, are those all you have over there — those and the officers?

A. At the South Boston?

Q. Yes, sir.

A. Are those all the insane people we have there?

Q. Those and the officers?

A. Yes, sir,

Q. Any body else?

A. None that I know of.

Q. Well, do you know a person named Corry Foley who is over there?

A. I do not, Mr. Riley — never heard of him.

Q. And you would be surprised to learn that he was over there?

A. I don't know anything about him, Mr. Riley.

Q. You would probably be surprised to know that he was over there and not insane?

A. As an inmate?

Q. Yes, sir.

A. I should.

Q. You know a man named Lieutenant Downey over there now?

A. Yes, sir; I guess he is there.

Q. He isn't insane, is he?

A. I don't know — sent there as insane, I believe.

Q. You know that he isn't insane now?

A. You should take that statement from the physician. I don't know, Mr. Riley.

Q. Well, what does the physician say — that he is insane at the present time?

A. Well, I haven't asked about him for a long time, Mr. Riley. I am sure I couldn't tell you. There are a great many people there if they conversed with you you wouldn't suppose they were insane. You would have to take the physician's judgment.

Q. Now, have you made any investigation of the Charlestown Almshouse recently?

A. Yes, sir.

Q. It is a fact, is it, that there are no fire-escapes on that building at the present time?

A. It is a fact that there are no exterior fire-escapes.

Q. And it is an old building?

A. Quite old, although it was well constructed.

Q. Your attention was called to the testimony taken by some members of the Board of Aldermen some time ago in reference to the condition of that institution and in reference to the way dead bodies were treated, etc.?

A. Yes, sir.

Q. Am I right?

A. I remember your allusion to it last night, too.

Q. No; but I am asking you if your attention was not called to that testimony long before this investigation began, perhaps?

A. Yes, sir; I think so. I knew of it, anyway.

Q. Now has the Commission taken any steps to remedy the abuses that were developed during that hearing?

A. Now, will you state what those abuses are? fire-escapes, you said, for one thing.

Q. Well, I understand that bodies of the dead were taken and placed in the entry or hallway. That is, I am now telling you in substance a part of what was developed at that hearing by this committee — that they were taken and placed in a hallway, and there was nobody to attend those bodies except some of the inmates, poor old women, and sometimes there was a good deal of neglect there, which resulted in the rats getting in and gnawing dead bodies?

A. Never heard of such an instance in my life, Mr. Riley.

Q. Then you didn't hear the testimony given in that case, did you?

A. Oh, yes.

Ald. LEE. — Which case?

Mr. RILEY. — There was an investigation here — I can't remember just when.

Ald. LEE. — This year?

Mr. RILEY. — No, I think some time ago.

The WITNESS. — It wasn't in testimony here, I believe, but I have heard of it. I don't know in what connection, however.

Q. (By Mr. RILEY.) Well, you know the Grand Jury made a visit to that institution, don't you?

A. To the almshouse in Charlestown?

Q. Yes, sir; some time ago.

A. I don't recollect that they went there.

Q. You have no knowledge of that, have you?

A. No, sir. I know they went down the harbor.

Q. Do you know of a young man named William Nicholson?

A. Yes, sir.

Q. Saw him here, did you not?

A. Yes, sir.

Q. And he was called on the stand?

A. I remember him — oh, yes, indeed.

Q. And his testimony was not admitted at that time — you remember that instance?

A. I remember.

Q. Well, was William Nicholson an inmate of that institution?

A. He was.

Q. And then he left there, did he?

A. He did.

Q. Were you called upon or was the Commission called upon to investigate the matter of a woman giving birth to an illegitimate child?

A. Yes.

Q. This Nicholson being the reputed father?

A. Yes, sir.

Q. And the child was begotten in the institution?

A. That was the claim.

Q. Yes — how long had the woman been in the institution before the child was born?

A. I don't know — some time.

Q. She had been there a couple of years, hadn't she?

A. I don't know how long, but quite awhile.

Q. Well, you know this — that the child was born in the institution?

A. I do.

Q. Now, how do you account for such gross immorality taking place in a public institution?

A. There are exceptions to all rules. That is the exception and the only one.

Q. You think that is the only case of that kind that took place there?

A. I do.

Q. On whom do you fix the blame?

A. I can't say. The sexes are kept apart in the main there.

Q. What?

A. The sexes, I say, are kept apart in the main there. It is a small institution.

Q. Well, on whom do you fix the blame for that matter?

A. Well, I don't know that I fix the blame. I don't know that there was any neglect on the part of the superintendent or matrons.

Q. Well, if things had been properly conducted, how could the two get together over there in that house, in that building?

A. They did.

Q. I know they did and that proves neglect, doesn't it?

A. I think not, I think there are sometimes times possibly when with the strictest surveillance things may occur.

Q. Well, did you investigate that case?

A. Yes.

Q. Now, there was some reason for it, and there was blame somewhere — where did you place the blame?

A. Nicholson was a man who was at work in the men's hospital, and he had more privilege than the ordinary man.

Q. He was an inmate of the institution?

A. Yes, but he was a very good assistant there. He did very well. He kept it clean and in order, and as such he had perhaps more license than the ordinary individual.

Q. But if there had been strict discipline there it would not have happened, now would it?

A. Why, if the sexes had been absolutely separated and no possibility whatever of their coming together, it would not have happened.

Q. Now, don't you think, Mr. Pillsbury, as a good citizen and a fair-minded, honest man, having as much public spirit as anybody else, don't you think that it is a great blemish upon our institutions and upon the way they are conducted to have such a thing as that occur in such a place?

A. A most unfortunate occurrence, sir.

Ald. LEE. — The best argument possible for separation, isn't it?

Mr. RILEY. — I should say so.

Q. Now, you say since you have been on the Commission the discipline has been all right at Deer Island?

A. Yes, sir.

Q. Do you remember, or did it only come out during this investigation, and that incidentally, a murder that took place there not so very long ago?

A. I do, sir.

Q. And they say that one convict killed another?

A. Yes, sir.

Q. At night?

A. No.

Q. In the day-time?

A. Mid-day.

Q. Yes, when the sun was shining?

A. Yes, sir.

Q. And where — in the building or out in the yard?

A. In the basement of the old residence of the superintendent — a building back of the main building, a wooden building.

Q. Now, that was done in daylight, you say?

A. In daylight.

Q. And at Deer Island?

A. At Deer Island.

Q. And the murderer escaped, didn't he?

A. He has never been seen or heard from since.

Q. Well, he was not seen — he escaped?

A. Yes.

Q. If the discipline was all right in that institution and things were conducted as they should be conducted, will you explain to this committee and this chairman how the escape occurred?

A. Shall I explain the incident as far as I know?

Q. No, sir; give us your theory of the escape? How was it done?

A. I wish I knew how it was done. The man disappeared as if he dropped out of sight — never was seen or heard from.

Q. I know, but here is an island in the sea?

A. Yes.

Q. Of course you know very well that if the officer did the killing, and I don't say it was done by an officer, far from it — but if an officer did the killing, he would have a better chance of escape, wouldn't he, than anybody else?

A. Less note, it seems to me, would be taken of his movements.

Q. Supposing, for instance, an officer did the killing, and then he allowed a prisoner to escape, and they said when the prisoner escaped

that he was the one who did the killing — you could account for the escape then, couldn't you?

A. If you put that as a hypothetical case, it is possible, perhaps; I hope that hypothesis hasn't any groundwork in your mind.

Q. I hope not, and I don't say it has, and I took the precaution to say that it was a view I took.

A. I understand.

Q. Now, I am trying to get what there is in your mind in the way of an excuse or a theory for the escape. Suppose one prisoner killed the other — that is the assertion.

A. Yes.

Q. Here is an island surrounded by water?

A. Yes.

Q. How did he get away?

A. If he got off that island and escaped to the mainland, I for the life of me cannot imagine how he did it.

Q. (By Ald. LEE.) Well, was it an island at that time?

A. No, I think the connection was across.

Q. (By Mr. RILEY.) But had an officer at the bridge?

A. Yes, sir; two most of the time.

Q. Of course they would not allow a prisoner to go by them, would they?

A. Oh, no.

Q. So that isn't the way he got away?

A. I don't think he did.

Q. So you don't think the prisoner is on the island yet?

A. No, sir. I don't know whether he is there now or not.

Q. Now, cannot you devise or construct any scheme by which the murderer could escape without the help of some of the officers, or the negligence of some of the officers, coöperating in that escape?

A. The general supposition is that that man committed suicide — the man who committed the murder. He could do that without being seen by officers in the water. But the body never turned up. The sea generally gives up its dead.

Q. Now, by your theory a prisoner killed another and then jumped into the sea?

A. I thought that would account for it, if he did that.

Q. That is your theory?

A. It isn't my theory. That is the theory of the officials at Deer Island. They think the man, from his miraculous disappearance, must have committed suicide, and that the body must have been carried out to sea.

Q. Now, speaking of the discipline, that murder is in my mind a strong piece of evidence against your assertion, and I am trying to understand why the prisoner escaped with good discipline?

A. You have been to Deer Island, you are aware of its area, and that we have not an officer covering every five feet of space to watch that the prisoners are at work all over the island, a large number of them in the summer-time. The officers are with them, but it is not worth while to stand an officer over every prisoner, and that man might go down to the shore and throw himself into the water and drown himself.

Q. Oh, of course all things are possible, but not probable.

A. I can't explain where the man went. He was not discovered, disappeared — I am sure of that.

Q. So that took place in the basement of a building?

A. Yes, sir.

Q. And was an officer in charge of those prisoners?

A. Oh, no officers. Two prisoners, two old men, harmless, peaceable old fellows, it was supposed, were in the basement of the place cleaning about.

- Q. And one of the old men killed the other?
- A. That is the supposition, because one old man was found dead.
- Q. That puzzles me still more. Assuming, then, that the old man who did the killing was a feeble old man, how could he escape?
- A. I didn't say he was feeble.
- Q. You said there were two poor old men there in the cellar?
- A. Two elderly men.
- Q. And from all you have been able to learn you haven't found any motive that would inspire one to kill the other?
- A. Not the slightest, so we were told, why one should kill the other.
- Q. No. Now, I think another murder afterwards took place on the island?
- A. No, sir; not to my knowledge.
- Q. Wasn't a colored man drowned or killed?
- A. Killed?
- Q. Didn't he die in the sea?
- A. Then a good many men have been murdered if dying is murder. That man died from drowning, I believe, according to the medical examiner's return.
- Q. Have you in mind the same case that I have?
- A. You mean the colored man who came out of the hospital?
- Q. Yes, sir — the colored man.
- A. Who climbed out of the window — that is the case I have reference to.
- Q. Yes, sir. Didn't the officers fire at him?
- A. The report is that they fired at him.
- Q. Well, I suppose the discharge of any kind of fire-arms would make a report?
- A. Fired at the man, but did not hit him.
- Q. Fired at him?
- A. Yes.
- Q. How often?
- A. I don't know.
- Q. Have you inquired?
- A. No, sir.
- Q. Why not?
- A. Wasn't necessary.
- Q. When a human life was taken away?
- A. They thought he was a prisoner trying to escape. But the medical examination showed no bullet wounds.
- Q. Was he a prisoner?
- A. I think a man sent down for observation.
- Q. Not a person committed for any crime?
- A. No, sir.
- Q. So if he sought to get away it wouldn't be the escape of a prisoner?
- A. But the man wasn't shot. An officer might fire his revolver with no intention of killing —
- Q. I beg pardon — I thought I knew something about the law relating to fugitives, but you would convince me that I don't.
- A. I think he was not there for a crime.
- Q. If he wasn't a prisoner, would any one have a right to fire at him for trying to escape?
- A. I should say not.
- Q. Now, you admit that he was fired at, don't you?
- A. No, sir. You asked me if a shot was fired. The report was — I wasn't there — that a shot was fired.
- Q. By one of the officers?
- A. Yes, sir.
- Q. At that man?

A. No.

Q. What?

A. A man may fire into the air.

Q. Or may fire into the earth?

A. Or empty space.

Q. Why would he shoot?

A. To intimidate a man, perhaps. This is a hypothetical case I am putting.

Q. I am not putting a case like that at all, but a very sad case, where a man lost his life.

A. Yes, sir. I regret it exceedingly, Mr. Riley.

Q. Now, do you say under oath that the shot was not directed at the man?

A. No, but my belief is that there was no intention of shooting the man.

Q. Very well. The man was found dead, wasn't he?

A. Found drowned.

Q. And you don't know whether the firing caused him to get into the water or not, do you?

A. No; he was headed for the water when he came out, as the explanation is given.

Q. You know this, don't you, that if I should fire at you and the shot should frighten you, and in consequence of that fright you ran into the water and were drowned, I would be guilty of murder just the same as if I shot you, don't you?

A. No; I don't know it.

Q. Do you think I would not be responsible under those circumstances for your death, and criminally so?

A. If I were in your charge and you were responsible for the care of my body, I should suppose that you had a right to detain me, or if I escaped to recover me, if possible, but I shouldn't think you had a right to shoot me.

Q. Has the Commission made any investigation of that case?

A. It has.

Q. And if it has made such an investigation it knows who the officer was who was in pursuit, and knows also whether he fired at the man or not, doesn't it?

A. Knows whether he fired. I don't recollect the name of the officer.

Q. Well, did he fire at the man?

A. Fire at the man to shoot him?

Q. Did he fire at him?

A. The shot was fired. That is all I can tell you.

Q. Who was the officer who fired the shot?

A. I don't know.

Q. Did you examine him?

A. The officer?

Q. Yes, sir.

A. No, sir.

Q. Why not?

A. The report came from the superintendent and it is on the records.

Q. Who made the examination or investigated that case?

A. The superintendent.

Q. Superintendent Gerrish?

A. Certainly.

Q. And what report did he make to you?

A. I don't recollect the language of the report. It is in the record.

Q. In substance, what was the report?

A. Well, it is a good while ago, Mr. Riley.

Q. If you don't want to give it, all right.

A. I am perfectly willing, sir — it is a matter of record, and you can refer to the record.

Q. Now, you say that the Commission made no investigation of that case.

A. I don't recollect that we made any investigation.

Q. And you also say the death was caused by drowning, do you?

A. I believe that was the report of the medical examiner.

Q. That was in the day-time also, wasn't it?

A. As I remember it it was.

Q. Now, how often have the police been called down to Deer Island since you have been on the Commission?

A. But once to my knowledge.

Q. Only once?

A. Only once.

Q. (By Mr. BRANDEIS.) Mr. Pillsbury, in answer to a number of Mr. Riley's questions in which he asked you whether you had heard of this or whether you had heard of such and such abuses as he called attention to, you said there were a great many things that you hadn't heard of, a great many things you didn't hear and you wished you might hear them — wished, if possible, to hear them outside the institutions in order that you might investigate and act upon them.

A. Yes.

Q. What method has occurred to you, if any, of obtaining that information which you so fully recognize the necessity of?

A. Personal application of the inmate, for instance; a request to the superintendent that he or she may see or talk with the Commissioners, or for the inmates personally to talk to the Commissioners without reference to anybody. I go through the institutions with that purpose in mind, that if anybody desires to make a statement to me they have the opportunity to do it. But I don't go to them and ask them if they have any complaints to make.

Q. Well, isn't it a fact that the inmates of the institutions are very shy of making any complaint?

A. It is a fact, Mr. Brandeis.

Q. Because they recognize or feel, rightly or wrongly, that they might suffer from making complaint?

A. Ought not to feel so.

Q. Well, they do, as a matter of fact.

A. I presume that may be the feeling.

Q. And it isn't unnatural perhaps that people should who are subject nearly all the time to an officer who, rightly too, is presumed to be correct, and to whom you would be far more apt to give attention and deem trustworthy in his statements. Isn't that a very proper feeling?

A. No, it isn't a proper feeling, but a natural feeling, perhaps.

Q. Well, isn't it a reasonable feeling?

A. It may be, and yet I have always tried in my relations with the inmates of those institutions, to invite their confidence, and I would much rather receive a complaint if one is to be made from an inmate than from a person outside.

Q. But isn't it a fact that the inmate in making any complaint to you recognizes himself as under a disadvantage?

A. I presume they do. I cannot account for it except that they feel that they are under an official and to make a complaint to an official would be useless. But it is unfortunate that they do feel so.

Q. And, as a matter of fact, the existence of that feeling, of that natural feeling, on the part of inmates prevents your having any complaints made to you except from people like Simpson, who are supposed to be chronic complainers, doesn't it?

A. Yes, I suppose that is so. I am afraid it is so. I wish it were not.

Q. So that with the exception of those instances of men who are

bold in complaining and not all the time credible in their statements, the Commissioners are practically without means —

A. Of knowing.

Q. Yes, sir.

A. Yes, sir ; I think that is so.

Q. Now, has your Commission considered what method can be adopted for giving them that knowledge as to the condition of the institution which it is only possible to get from some one other than the officials, those who might possibly neglect it ?

A. That has often been spoken of, but no means devised, and I myself am at a loss to know how the pauper may be induced, if it be a pauper, or how the inmate may be induced to express his desires or to make his complaint, if he has one. I wish I knew some method by which I could inspire or infuse confidence into them that they could come to me and say if they thought anything was wrong what it was.

Q. Well, they are far more ready, aren't they, to speak to others ?

A. Seem to be.

Q. To others not connected with the institutions, — to make complaints about the institutions, and to let those complaints in one way and another sift through to that world outside of the institutions ?

A. Yes, sir.

Q. Doesn't that suggest to you the desirability or necessity of having the attendance at one time or another, or in some capacity or another, of some person who would be apt to obtain the confidence of the inmates ?

A. If you should have the attendance of some person or persons as a regular thing that person or persons might soon become in the eyes of the inmates officials, and the same feeling obtain that obtains towards me as a Commissioner or towards the superintendent.

Q. Well, wouldn't it be desirable to have persons attend there much in the way that people attend hospitals and attend places where the public are interested — for instance, the Carney Hospital, and at all the hospitals there is attendance by more or less public-spirited people ?

A. Public-spirited people ; yes.

Q. Who attend there without any special knowledge of the hospital, but rather to show a friendly and sympathetic face to those who are there ?

A. Yes, sir.

Q. And who without any trouble, perhaps, gain a great deal of information which becomes valuable in the management of the institution.

A. I think it is too bad that the pauper should feel that he is cut off from the sympathy of the outside world absolutely, and I don't know anything more pitiful than the death of a pauper who has not a friend in the world.

Q. Yes.

A. And such efforts as you speak of I think might be conducive to the welfare of all concerned.

Q. And if the visitors should in some formal or official way express the feeling which you have so correctly and sympathetically expressed now, don't you think the same sympathy and interest that is shown in other institutions would be extended also to your paupers at Long Island ?

A. I wish it might.

Q. Your Commission have never tried by any recommendation or request in their reports published from year to year to elicit that sympathy and interest from the public, have they ?

A. I don't know that they have, in that sense in which you put it.

Q. There is nothing in your report which shows that your Commis-

sion, either in the few years you were on it or the earlier years, have solicited or desired that coöperation from the public?

A. No, but people have come to us. It is necessary to secure through our Board a permit to visit — not a permit to visit so much as a permit to be transported on the boat, and there again comes in your isolation from the rest of the world.

Q. Yes, but during a considerable part of the year it is not so unpleasant. I have experienced a trip down there in March, which was not unpleasant at all.

A. Very delightful sometimes — and sought to so great an extent that the pass system had to be cut off. But a great many people who have been philanthropically disposed have visited the islands, and that class of people whom we feel have a real interest in it are always granted a pass to visit Long Island.

Q. But there has been nothing like an effort on the part of the Commissioners?

A. No definite effort, sir.

Q. No definite effort to obtain that?

A. No, sir.

Q. I will ask you, Mr. Pilsbury, whether you remember in that report of the Commission on the treatment of the poor made to the City Council in 1878 this statement on page 76 of the report? It is the report on the treatment of the poor of the special committee appointed by the City Council, the Commission of which Mr. George S. Hale was a member, which reported in 1878: "Personal attention of the charitable to the poor is the most effectual way of aiding them and preventing pauperism, and that is the best system which secures that attention. James Stansfeld, a liberal member of the English parliament, formerly president of the Poor Law Board and of the local government board, charged with the duties incident to the relief of the poor, in reference to this very subject said recently: 'I believe, as a general proposition— I speak not *a priori*. I speak from sincere conviction — I believe that in all officialism it will become more and more necessary to get some link with voluntary and outside work. I do not think that any man at the head of any government department can ever rule that department well unless he has eyes that look outside as well as in; and the best way in which he can furnish himself with those instruments and opportunities and capacities of observation is to surround himself more or less with persons whose labor is voluntary and who bring back to him from the outside world that which the best officialism, as such, cannot report to him.'"

A. Yes; I didn't remember it distinctly, but I have read it.

Q. You think that is sound, don't you?

A. Pretty good ideas there.

Q. And you think, do you not, that sympathetic, intelligent, disinterested, public-spirited voluntary co-operation will greatly aid the Commissioners in the performance of the very difficult duties that are imposed upon them.

A. It must be bestowed with a great deal of discretion, Mr. Brandeis, with a great deal of discretion.

Q. Yes. Well, don't you think that the work which the special committee appointed by Mayor Matthews bestowed was done with great discretion?

A. I think there was an honest effort to do the best thing possible and to ascertain facts. I think they tried to do their duty.

Q. And did you see any lack of discretion in the members of that special committee?

A. If there were, Mr. Brandeis, I shouldn't want to criticise the committee. In every particular, perhaps, I didn't agree with them, but in the main I was glad to afford them, as far as I was able, every con-

venience, and all the information which they desired; and as you have catechised me upon their deductions, and I have agreed in the main with them, it seems to me I have answered the question.

Q. This report, from which I have just quoted, goes on to discuss the ways in which this voluntary and sympathetic coöperation of the individual may be brought about. Is it not a fact, Mr. Pillsbury, that in order to secure that it will be absolutely necessary for the Commissioners to show to the public that the aid of such persons is wanted and will be appreciated — in other words, that an invitation in some form must be extended by the Commission?

A. Well, I don't know that that is absolutely necessary, Mr. Brandeis. If such a Board or such kind assistance were required, and the Board chose in a private way to ask it, I am sure that they would receive a ready response. If such assistance were made official, and it were in the discretion of the City Government to do that, I am sure that whatever good work they did would be recognized by the Board and every assistance would be given by the Board in accomplishing that good work.

Q. (By Mr. RILEY.) I asked you, I think, if you were aware that during your term of office the grand jury had visited the Charlestown Almshouse?

A. I was not, Mr. Riley. I didn't know that they visited the almshouse.

Q. I find that our Suffolk County Grand Jury visited the Charlestown Almshouse.

A. When was it, Mr. Riley?

Q. In June, 1892.

A. Well, then, I have forgotten it. If I knew it I have forgotten it.

Q. Now, then, they made to the Superior Court, Mr. Justice Dunbar presiding, a report, and a part of it pertaining to the Charlestown Almshouse I shall read for the purpose of asking you what improvements have been made since then:

Your committee had made what we considered a thorough investigation of the Austin Farm. We then proceeded to the Charlestown Almshouse, where we arrived at about 6 o'clock. We found this to be an old, delapidated building, which, as is well known, has served years as an almshouse in Charlestown, and which the committee considers a disgrace to be used for that purpose by the city of Boston. We were conducted over the institution by the superintendent, Chandler Eastman.

I think he is the present superintendent?

A. Yes, sir.

Here, again, we found a most horribly overcrowded condition as far as the size of the rooms and the number of the beds they contained were concerned. In many of the rooms Superintendent Eastman had reduced the beds, but in what was called the "hospital ward" we found they were crowded together.

We were informed in answer to the chairman's question as to the attendants and nurses in this ward, that there was no nurse, and that the only attendant was one of the inmates, a woman in the vicinity of sixty years of age.

In this room we found an old woman with wrinkled face, who claimed to be one hundred years old. Her eye was bruised and blackened and her head done up in bandages. The superintendent said that she had fallen over a chair, but she insisted that she had fallen out of bed. As there was admittedly no nurse attendant for the unfortunate woman in this room, apparently nobody knew how it was done; and the chances are that it was first called to their attention when they found her on the floor.

At the top of the building we found a large dormitory with pitched roof. This room was crowded with beds, some thirty-five or so in number. The superintendent stated to us that it was what they called their best room. In this room with many other patients, we found lying in bed in a corner of the

room under the eaves a woman well advanced in years and totally blind. She said to us that she had to get up in the night and go down stairs to the floor below, as there was no water-closet for any of the inmates on that floor. As she had to grope her way she had fallen, and we found her quite badly bruised.

Next we proceeded into a similar room occupied by the men. Going into what was called the back dormitory for the men, we found twenty-eight beds. In this room we found a young man, sick, without attendants, who complained to us that he had insufficient bed clothing, and in fact had his coat spread outside of what clothing there was on the bed.

To the surprise of your committee we found in what was called the "smoking-room" below, and a room of about the size of the so-called back dormitory, eleven beds. The atmosphere was reeking with tobacco smoke.

We questioned the superintendent as to the trouble with vermin. He said he had no regular apparatus for the proper treatment of bed clothing and clothing, and that he was not able to keep them entirely from the institution.

Your committee, to their surprise, found in the rear of this smoking-room dormitory an old-fashioned privy-well vault, such as the city would prosecute any citizen for maintaining, and yet without any excuse was kept in this establishment. This barbarous survival of the improper arrangement and the swill dump which is located on the opposite side of the institution yard must necessarily affect the health of the inmates of this institution, especially in the summer-time.

In the inspection of the kitchen we came to the pantry where some of the supplies were kept. The question was asked of the superintendent what price they paid for their tea. He replied he bought his tea for 12½ cents a pound, and his coffee for 11½ cents a pound.

We further found, by inquiring of Mr. Eastman in regard to attendants, that, as has been stated before, there are no paid attendants in the hospital ward, a small room containing 14 beds. But it was stated that there had previously been one when he came there who got \$1.50 a month.

To the astonishment of your committee we found that this old building, much of it being of wooden construction, was, like the others, absolutely without fire-escapes. We asked the superintendent how it happened. He said that there had been some there, but he doubted very much whether they were strong enough, and attempted to restore them, but he was told to tear them down altogether.

We again called attention to the attic portion of this institution, where there were some fifty persons sleeping without sanitary accommodations and with no safe egress in case of fire. We asked the superintendent if there was any way to get out in case of fire. He replied, "No."

It was stated to your committee by an intelligent-speaking inmate that if she talked too much or told stories in regard to what she thought of the institution, she was put in solitary confinement and otherwise brutally treated.

INVESTIGATION BY EXPERTS.

Your committee would further state that in our investigation we have ascertained facts in relation to other institutions which reveal even more startling and improper conditions than those which we have already been able to present to you; that we consider these conditions to be such as absolutely to necessitate and demand an impartial investigation by experts, in behalf of the welfare of our city, and which require appropriations for new buildings.

This report has been approved and adopted by unanimous vote of the Suffolk County Grand Jury, June 9, 1892.

And it is signed as follows:

J. W. ROSTER, *Clerk.*
WILLIAM A. HUBBARD,
Foreman of Grand Jury.

James S. McClutchy, James W. Roster, Robert J. Dooley, S. A. Badger;
William H. Kemp, Chairman of Sub-committee.

Now, is this the first time this report has come to your knowledge?

A. I don't recollect ever having heard that report, Mr. Riley.

Q. Well, have you pretty thoroughly investigated that institution, that old building?

A. Yes, sir.

Q. Does this give a fair description of its condition?

A. Gives a very unfair description. It tells some truths, however.

Q. Now, do you know of any reason why a Grand Jury, composed of your fellow-citizens and acting under the solemnity of an oath duly administered to them, having no enmity against you or the Commissioners and no motive for making a wrong report—do you know of any reason why they should report anything except what they found?

A. I don't know why they should make such an extreme report as that. I shouldn't suppose there would be any animus on their part—don't know any reason why there should be.

Q. And, in consequence of this report, has the Commission sought to have the matter investigated by trained experts?

A. No.

Q. You haven't done anything?

A. The Commission has not had an examination by experts.

Q. I am trying to find out what the Commission has done?

A. The Commission has done nothing as far as having it examined by experts is concerned.

Q. The Commission has simply paid no attention to the report of our Grand Jury?

A. Oh, I think if the report of the Grand Jury were true in all particulars the Commission would be indictable almost. Some of the things are true.

Q. You have paid no attention to it, because you said you knew nothing about it?

A. No, I didn't.

Q. I presume it is fair to assume that the other Commissioners didn't know anything about it?

A. Well, they may have heard of it.

Q. But this was published in the newspapers, wasn't it?

A. I presume so. You are reading it.

Q. And I presume the Commissioners read the newspapers?

A. Try to, but sometimes may not.

Q. At all events, no improvement has taken place there in the last two years. Am I right?

A. Oh, yes, a great many improvements.

Q. What?

A. You speak of the fire-escapes. There never were any fire-escapes—some old wooden ladders there at one time, that you and I would hesitate to go down on:

Q. What improvements have taken place there in the last few years?

A. If the allegation there that it was delapidated were true it has been repaired, but it is not. I never saw it in a delapidated condition.

Q. What other improvements?

A. What are the allegations there?

Q. For instance, you heard what the Grand Jury said about the lack of nurses?

A. Well, I don't know whether there were more there after than there were then or not. That is when I first went into the Board. But I think there is one more attendant.

Q. Well, it is fair to assume that there are no more nurses now than then?

A. I don't know about nurses, but matrons—I think there is one more matron there.

Q. And you are not able to state that there are any more improvements?

A. I assume that there is one more matron — I think there is — and I think there is a little less overcrowding there than then, some of them having been sent to other institutions.

REDIRECT-EXAMINATION.

Q. (By Mr. PROCTOR.) Something was asked you about the break in the water-pipe down at Long Island, Mr. Pilsbury. What were the facts in respect to that?

A. There has been more than one break.

Q. I am speaking not now of the breaks always likely to happen, but am speaking of the break concerning which one Carlan A. Brown is said to have made a report, which is incorporated in the evidence?

A. Oh, yes, at that time.

Q. The complaint was made that the break existed for a long time and wasn't remedied. I want to know the fact.

A. I am under the impression that it was a matter of three days after the occurrence of the break before the water boat brought the water there. For instance, the break was to-day, and the report to-morrow, and the next day the boat was there.

Q. So far as the break was concerned the repair of that was a matter for the Water Board?

A. Altogether.

Q. You had nothing to do with that?

A. Not at all, except to notify the Water Board.

Q. You did notify them?

A. I did. I went to the office of the Water Board. We were without water and I went to the office of the Board.

Q. Now, something was asked you about the portion of your appropriation which was by an order of the Mayor transferred to do some work down there, I think, in respect to a —

A. Telephone.

Q. Fire-escapes, wasn't it?

A. Telephone.

Q. Well, \$2,500 is what I am talking about — something you testified about this morning.

A. There was a transfer to pay for telephone, \$2,100.

Q. Well, that was done on the order of the Mayor?

A. Yes, sir.

Q. Well, of course under the city charter you cannot make a contract for over \$2,000?

A. We cannot over \$2,000.

Q. And for anything which comes to more than \$2,000, the Mayor —

A. Approves it.

Q. He approves the transfer and there has to be a special appropriation for it?

A. Yes, sir.

Q. Now, you say the rules were posted in the buildings at Long Island and elsewhere at the time when you first became a Commissioner?

A. Yes, sir; there were some rules posted, but we had a revision of the rules, and shortly after got quite a goodly sized card.

Q. Well, so far as you knew they were posted always?

A. So far as I knew they were posted always. They were provided and posted.

Q. Something was asked you with respect to the pump not being connected, and as I remember it I think Brother Brandeis hurried on a bit,

and I thought possibly there was something you wished to say in explanation?

A. Well, the pump was purchased sometime before it was connected but we were without water. That was, I think, the longest period we were without water, and then we had not secured an appropriation for putting in the stand-pipes and hose in connection therewith. Meanwhile the smaller Knowles pump was used, the pump of which I spoke this morning.

Q. That would throw a stream over the building?

A. Oh, yes, indeed, over the building.

Q. Now, when was it that the large pump was connected?

A. Just when I don't know, Mr. Proctor. I think it was sometime last spring or summer; and I would say here, Mr. Proctor, that the large pump was placed there for the purpose of connection with the stand-pipes in the building and controlling the water-supply in those stand-pipes.

Q. Yes, I see. You were asked about the drill for paupers. In the summer you say you have there but few able-bodied paupers anyway?

A. Very few indeed.

Q. In the winter there is a more or less floating population under the law as it now is?

A. Yes, sir; they come and go. That is the reason why I believe the drill should be by the officers and under their care.

Q. That is, you say there would not be much use in drilling a man if he went away?

A. No. Any assistance from the inmates would be auxiliary.

Q. What did you say the cost of the reservoir was?

A. Well, I should say it would cost, upon second thought, perhaps \$1,500, but that is only a rough estimate, because there were so many things. It has been in process of construction two years nearly, a year and a half, and from time to time we have bought this, and the other. At a rough estimate I should say it would cost \$1,500.

Q. Was the reservoir begun at the time you went into the Board.

A. No, sir.

Q. How soon after you went into the board?

A. In the fall of that year.

Q. 1892?

A. Yes, sir; we secured the survey and in the spring of 1893 we began the digging.

Q. Now, as I understand it you went to the Legislature and advocated this change in the law with respect to the power to make the paupers work?

A. I did.

Q. And you believe in it?

A. I do. I believe it is necessary to have some law.

Q. I suppose if the Legislature had passed a law you would have endeavored to have it enforced as far as in you lay?

A. We should most gladly have availed ourselves of it. Probably this incoming Legislature will do something in that line.

Q. Now, something has been said about the system of passes. I suppose, Mr. Pilsbury, that even if you did refuse a pass to the paupers to come to Boston oftener than one in thirty days or sixty days, a man could demand his discharge and get it?

A. He could.

Q. And would there be any law to prevent him from going away?

A. We could not hold him.

Q. And if he came here to Boston and indulged in what has been described here as debauches, etc., if he stood in need of immediate relief he could again come down to the island?

A. He could, under the law.

Q. And if it happened to be the next day he could come just the same?

A. So he could.

Q. And your Board would be obliged to receive him?

A. Certainly.

Q. So that that comes to pretty nearly the same thing as giving passes when they want them?

A. And it would seem to make an extra amount of clerical labor that was unnecessary.

Q. Mr. PILSBURY, I believe you stated that the arm-chairs, about which there has been some considerable talk in the newspapers and elsewhere, were on the wharf at the time the suggestion was made by Mrs. Lincoln that you should get them?

A. Yes, sir. Mrs. Lincoln and her party came down in the tugboat, ahead of the regular boat, and I came down on the regular boat, the "J. Putnam Bradlee," and the chairs were on the steamer.

Q. (By Mr. LINCOLN.) What chairs do you refer to?

A. The men's arm-chairs.

Mr. BRANDEIS. — Mr. Pilsbury is speaking about arm-chairs for the men's infirmary last March.

The WITNESS. — Yes, sir.

Mr. BRANDEIS. — The chairs so much talked about were the chairs of the year before.

Mr. PROCTOR. — Yes, but those chairs, as I understand it, were taken down here to the wharf without any knowledge of the Commissioners.

Mr. LINCOLN. — Oh, no.

Q. (By Mr. PROCTOR.) How, is that, Mr. Pilsbury, if you know?

A. The first knowledge that the Commissioners had that the arm-chairs —

Q. The rocking-chairs.

A. The rocking-chairs, I should say, were on the wharf was from the captain of the boat, who telephoned to ask if he should take them down. I don't know whether he telephoned or asked personally, I won't say which.

Q. That is the first the Commissioners knew about them?

A. The first the Commissioners knew anything about the chairs as such. The Commissioners knew that Mrs. Lincoln had written or asked for contributions to enable her to purchase rocking-chairs.

Q. Yes.

A. And had acknowledged the receipt of a certain sum of money; but when she purchased them she sent them to the wharf without reference to the Commission, and afterwards came to the office.

Q. (By Mr. BRANDEIS.) That is, the same day came to the office?

A. Well, I don't know — may have been the same day, the same day that the chairs were sent to the wharf.

Q. (By Mr. PROCTOR.) But it was afterwards?

A. It was afterwards. The Commissioners were not aware that the chairs were going to the wharf. That is the point I want to make clear.

Q. Well, at the time they were sent to the wharf had they been offered to the Commissioners?

A. No, not as far as my knowledge goes.

Q. You never knew of butter being bought in your time at eleven cents a pound, I believe, you said?

A. No, sir.

Mr. RILEY. — He doesn't buy anything, he says.

The WITNESS. — I never knew of it being bought, Mr. Riley, at that price.

Mr. PROCTOR. — There is only one man who ever knew that — that is Dr. Newell.

The WITNESS. — Perhaps that was butterine or oleomargarine.

Q. (By Mr. PROCTOR.) From whom did you buy your meat or make contract to buy meat?

A. Competitive bids — this year Mr. S. S. Learnard.

Q. A well-known, reputable dealer in Boston, isn't he?

A. I think any one would hesitate to assault his reputation as an honorable man.

Q. Well, it is a well-known house?

A. A well-known house.

Q. And the meat purchased you have seen?

A. Oh, frequently.

Q. In its raw state?

A. In its raw state.

Q. How is it?

A. I never saw a bad piece of beef. We buy beef of Learnard. Mutton we buy of Noyes.

Q. You know the quality of that, do you?

A. Yes, sir, I do.

Q. What do you say about that?

A. It is of good quality.

Q. Since you have been Commissioner what do you say about the butter?

A. Of fair quality — not as good butter as I buy for my table, but a fair quality of butter.

Q. Not new Boston Creamery?

A. No, sir.

Q. But a fair quality of butter?

A. It is such a quality of butter as the citizens who live outside the institution of about the grade of life the inmates represent would purchase, and even perhaps a higher class of people.

Q. You say there was a riot down at Deer Island — that is, what my Brother Riley calls a riot. He calls everything a riot, I think.

Mr. RILEY. — I never called you a riot.

Q. (By Mr. PROCTOR.) But there was what he calls a riot in August, 1893?

A. No, sir — the summer of '93, I think. I don't know whether it was in the month of August.

Q. That is the only one that occurred there since you have been a Commissioner?

A. Yes, sir.

Q. And that, I believe, you said, was on account of small potatoes in the chowder?

A. Yes, sir.

Q. The prisoners down there didn't think it good enough — was that it? Do you know what the quality of the potatoes was, whether they were new or old ones?

A. New.

Q. In August?

A. New, and quite a small potato — good but small, much smaller than the potatoes they were accustomed to getting and they made a little fuss about it. It was settled very quickly and promptly.

Q. Well, that is the only trouble they have had down there?

A. That is the only trouble.

Q. Well, now, something was asked you about a school down there where Fulton and Beavins, if those are the names, were the officers, the teachers?

A. Yes, sir.

Q. What are the facts about that?

A. Why, the facts are as I stated. I can state it, perhaps, a little more fully.

Q. I think you can, if you are allowed.

A. It was supposed that when vacation time had passed — that is, about the 1st of September — that we should be able to go into that Parental School at Roxbury. This delay on account of the drainage was not anticipated to the extent that it has proven to be. It has proven to be a great delay. After consultation with the Chief Justice and with the probation officers, the Board decided that it would be better to liberate one at a time these truant boys, and for this reason — unfortunately many of the truant boys who are sent to the Truant School should properly be sent to the Reformation School.

Q. Well, but that is the fault of the Court?

A. Yes, that is the fault of the Court, but the truants pure and simple were all we wanted out at the Parental School. Therefore we thought it would be well to begin anew. There was no occasion for the services of those teachers after vacation time. There was nothing for them to do, and we could not transfer them to that school because, as we had interpreted the statute, the School Committee have much to do with the appointment of the teachers for that school. Therefore there was nothing for these gentlemen to do. Just when they went I don't know, and that is why I said to Mr. Riley that I would have to refer to the records to state. But I did draw an inference from Mr. Riley's question that he felt — for which there is not the slightest foundation — that Mr. Fulton's discharge or Mr. Beavins' discharge, or resignation, whatever it may have been, was based upon any action in regard to this investigation.

Q. That is, what Fulton testified here or the quality of his testimony had nothing whatever to do with it?

A. Nothing whatever, and I never heard the suggestion before that moment, never.

Q. Well, wouldn't you have Fulton down there now in some capacity if he wanted to remain?

A. Why, yes, indeed.

Q. Now, you were asked something with respect to hoisting the flag and notifying the people down there. What were the facts about that?

A. It was formerly the custom on the boat when it left the wharf to hoist a flag on the flag-staff at the fore.

Q. You mean on the boat?

A. On the boat; and in that way they would know the Commissioners were coming down. But that isn't done to-day.

Q. Well, is that done only with the Commissioners, or the Commissioners and other people?

A. Only the Commissioners, as far as I know. But that was abolished sometime ago. Then it was the custom until within a few months ago or within a year, to hoist a flag at Deer Island when the Commissioners arrived there, and that was another notification — possibly might have been construed as such — and so orders were given to fly that flag all day, which I think is very much better.

Q. Yes, I see. Well, at the same time wasn't an order given to all the islands?

A. Yes, sir, it was — to Rainsford, Long and Deer islands alike.

Q. They have a receiving tomb at Deer Island?

A. They have.

Q. One or more?

A. Yes, sir.

Q. Well, now, the bodies at death are placed in the receiving tombs, are they not?

A. Yes, sir.

Q. And as you understand it they are kept there for a greater or less period of time so that the relatives may call for them if they wish?

A. That is the understanding.

Q. And as you understand the rule they can call for them at any time within six months?

A. Yes, sir.

Q. Now, as to services just before, at, or after death, Mr. Pilsbury, do you know what the practice is at Deer Island?

A. I can't say that I do. I know that I have been told that services are held, have been held.

Q. Funeral services?

A. Yes, sir — that they have been held, but from my own knowledge and observation I cannot say.

Q. Well, you understand that they are held?

A. Yes, sir; I understand they are held.

Q. (By Mr. BRANDEIS.) Where is this, Long Island?

A. Deer Island.

Q. (By Mr. PROCTOR.) What did you say about selling coal, Mr. Pilsbury, to the Metropolitan Sewerage? Something has been said about it.

A. I think it has been sold during my time — I think it was last year — some coal to the Metropolitan Sewerage Commission. There was quite a stringency in coal — you may remember it — and we had a surplus, and we sold it and got our pay for it, and it was sold at a profit.

Q. All sold at a profit?

A. All sold at a profit.

Q. And the bills were turned over once a month to the City Collector?

A. To the City Collector.

Q. The same as other bills?

A. The same as other bills.

Q. And did you hear that the bills were not paid by the Metropolitan Sewerage Commission?

A. No, sir.

Q. As far as you know, they have been all paid?

A. Yes, sir.

Q. Do you know of any unpaid bills for coal during your incumbency as a Commissioner?

A. None.

Q. Or for anything else that has been furnished?

A. No, sir; I do not.

Q. Well, you knew, I suppose, that Corporation Counsel Richardson said there was no objection to this incidental furnishing of such things for the accommodation largely of the Metropolitan Sewerage Commission and others?

A. I had heard it.

Q. You had heard that?

A. Yes, sir.

Q. And whatever was done, was, as far as your official action was concerned, in view of that opinion?

A. In accordance with that opinion.

Q. You thought as long as you got a profit out of it and the Corporation Counsel said it was all right, it was all right?

A. We did.

Q. Now, you have been asked with respect to the drainage for the Parental School at Roxbury. It occurred to me that perhaps you were not given the opportunity to explain that you wished. State whatever you wish. Had you expected to get into the Parental School before now?

A. We had. But the whole management and the construction and all the contracts made were made through the Architect's Department.

Q. Well, you took what they gave you?

A. Yes, sir.

Q. And as far as drainage is concerned, what have you to say as to that?

A. That a very extensive and somewhat expensive system of drainage has been adopted and that it is in process of construction and is not yet complete.

Q. Well, how long before you expect it to be complete?

A. Well, I was out there perhaps a fortnight, about a fortnight ago, and I saw the contractor and I asked him — we had been very much disappointed at the delay, and I asked him how much longer it would take, and I think he said it would take a month, perhaps six weeks, according to the weather. The drainage-pipes are all laid, all that work is done, but they are filling in a large area.

Q. Then it is only a matter of a short time before you will be out there?

A. I think a matter of thirty days. I certainly hope so.

Q. What do you say about there being 100 insane at South Boston? That they are kept there waiting —

A. For the opening of the Pierce Farm buildings.

Q. How long do you suppose it will be before they will be ready for their reception?

A. Well, we have been waiting patiently for it.

Q. That is hardly an answer to my question.

A. Well, I have ventured an opinion so often, Mr. Proctor, as to when they will be open that I hardly dare to now, but it seems as though in a month's time they will be open, as the Architect has asked us to accept the building.

Q. As soon as the building is done you will move them out there?

A. We shall.

Q. And discontinue the use of the place at South Boston?

A. We shall, with a great deal of pleasure.

Q. You have been asked with reference to Corry Foley and Lieutenant Downey, as to whether they were insane or not insane persons. In regard to that upon whom would you rely?

A. Doctor Fisher.

Q. He is the head of the institution?

A. Yes, sir.

Q. And when he says people who are there are insane you don't take steps?

A. Never question it.

Q. Of course not. Would the Board of Commissioners of Public Institutions discharge a man from the Insane Hospital on their own responsibility?

A. No, sir; never.

Q. Well, the Charlestown Almshouse is a building and an institution that was occupied by the city of Charlestown before its annexation to Boston?

A. Yes, sir.

Q. It is a small building?

A. Accommodates from 150 to 160.

Q. Well, it is located in Charlestown?

A. Yes, sir; the other side of what is known as Malden bridge, but the territory is in Charlestown or Boston.

Q. And something was asked you by Brother Riley in regard to shooting at Deer Island. Is there anything you wish to say with respect to that?

A. I have got nothing I could add to it, Mr. Proctor.

Q. Well, with respect to the case he first referred to, of the colored man there, as you understood it under observation, who ran in to the water — is there anything you wish to add?

A. I think I told the whole story — that the man escaped from the hospital, was under observation, and that he ran towards the water, towards what we call Shirley Gut, and ran into the water and was drowned.

Q. (By Mr. RILEY.) Got too near the water?

A. Too near the water.

Q. (By Mr. PROCTOR.) Well, you knew the name of the officer who fired at him?

A. I don't know what the officer's name was.

Q. Fired into the air, discharged his pistol?

A. Fired into the air.

Mr. RILEY. — You mean fired at him, Brother Proctor, of course? — that would be firing into the air.

Mr. PROCTOR. — I beg pardon. Will you be good enough to repeat your original and brilliant remark?

Mr. RILEY. — You mean firing at him? I suppose firing at him would be firing in the air?

Mr. PROCTOR. — It might or might not, depending on how close he was to him, you know.

The WITNESS. — Firing into the air instead of into his body.

Q. (By Mr. PROCTOR.) The man was not hit, was he?

A. Not hit — no bullet mark.

Q. (By Mr. RILEY.) But he died very suddenly?

A. He certainly died, poor fellow.

(By Mr. PROCTOR.) Have there ever been any escapes across the Shirley Gut, Mr. Pilsbury, since you have been Commissioner?

A. There have been.

Q. Well, have any of those who attempted to escape been drowned?

A. I don't know, I don't say positively whether any have been drowned during my term. I don't remember. I know the report is that parties have been drowned in trying to escape across the Gut. I know of one instance where two men got on to a plank and didn't get across, but had to procure assistance, and were brought to the island again. They would have been drowned if left to their own salvation.

Q. Is there anything further, Mr. Pilsbury, that you wish to say with respect to the Charlestown's Almshouse, its appointments?

A. I desire to say, with regard to the Charlestown Almshouse, that while it is an old building it is not delapidated; that while it lacks some of the modern conveniences it is neat and clean always; that I believe the paupers in no institution are better contented or happier than they are at the Charlestown Almshouse, and I know that they are well-fed, well-clothed, and humanely treated. The place has been overcrowded, as all our institutions have been.

Q. Well, all the institutions have been overcrowded, I understand?

A. Yes, they have all been, but with our new buildings we hope to relieve the Charlestown Almshouse, as well as the other pauper institutions.

Q. Well, that report that has been read into the case, the report of the Committee of the Grand Jury, was made in September, 1891?

Mr. RILEY. — No, no.

Mr. PROCTOR. — September, 1892?

Mr. RILEY. — June, 1892.

The WITNESS. — June, '92; yes.

Q. (By Mr. PROCTOR.) Well, do you know that Dr. Newell went over with that committee to the Charlestown Almshouse?

A. No, I wasn't aware of it.

Q. Hadn't heard of that?

A. I think not. That was so early in my incumbency in the Board that I don't know much about it.

Mr. RILEY. — Perhaps they read the report.

Mr. PROCTOR. — I was just going to ask him if he hadn't read the report.

The WITNESS. — No, I have not, Mr. Proctor.

Q. (By the CHAIRMAN.) Mr. Pilsbury, while you were on the Board of Health — you were a member of the Board of Health, were you not?

A. Yes, sir.

Q. Or while you were one of the Commissioners of Public Institutions, do you know of any application being made from the Commissioners of Public Institutions to keep swine at the House of Correction?

A. No, sir.

Q. Do you recollect Document 146 of '93, being the first semi-annual report of inspectors of prisons and houses of detention?

A. I remember that there was one made, sir, and I probably would remember the tenor of it when suggested.

Q. Signed by Charles W. Hallstram, John J. Maguire, and Martin M. Lomasney of that committee?

A. Yes, sir.

Q. In that report, speaking of the Marcella-street Home, the committee says:

The collection of story books and magazines at the Home for the use of children is undoubtedly of value so far as it goes, but the books themselves were in a somewhat dilapidated condition. The committee would suggest that the books be rebound so far as practicable, and that additional books be procured.

Do you know about the condition of those books at the time the committee were there?

A. Yes, sir.

Q. Was that a fair criticism?

A. Yes, sir.

Q. Then the committee was correct in making that criticism?

A. Oh, yes, sir. Might I say in that connection, that with most small children it is pretty hard to keep the books in other than a dilapidated condition. We have a great many little ones there, but your suggestion has been observed, and from time to time new books added.

Ald. LEE. — Is that the last report?

The CHAIRMAN. — No, this is the report that has never been accepted by the Board of Aldermen and was referred to this committee.

Q. It also goes on to state, Mr. Philsbury:

The nuisance caused by the sanitary division of the Street Department is still maintained. We refer to the house-offal which is brought daily to this station and piled up in close proximity to the Home. We cannot but condemn the city's policy in allowing such a menace to the health of the children to exist, and renew the recommendations contained in former reports for its immediate discontinuance.

Is that a fair criticism?

A. It certainly is, and I think the committee showed excellent judgment in making the statement. It is a nuisance.

Q. In regard to the House of Correction it says here:

The piggery located in the yard is a nuisance. There are very offensive odors from the accumulations of liquid filth and manure around the building, and the practice of keeping pigs in such a filthy condition in a city institution on the mainland where a number of persons are confined cannot be justified by any possible financial saving to the city. It is a violation of the spirit of the ordinance of the city. No citizen would be allowed to maintain such a pest-hole upon his own property. We recommend that the piggery be abolished.

What do you say to that?

A. I cannot agree with the judgment of the committee as to the abolition of the piggery, but if it was in such a condition it certainly

should be remedied. I don't often visit the piggery there, and I frankly say that I go to the House of Correction less even than to any other institution. But the piggery is quite a valuable addition to the department there. There is a good deal of refuse furnished from the prison which can be fed to the pigs, and the pork can be raised at a very slight price. If the filthy condition spoken of is allowed to exist continuously that is the fault of those in charge.

Q. But if the committee found that to be the fact, you would not certainly censure them or criticise them for making that point known in their report?

A. Not at all. If it were a chronic condition, we ought to observe the recommendation, too.

Q. Now, I want to ask you if the city of Boston and the Commissioners of Public Institutions have not asked for and obtained a permit from the Board of Health to keep these pigs, whether it is not a violation of the ordinances of the city?

A. If they have not, it is a violation of the ordinance.

Q. Do you know that they have?

A. I do not know.

Mr. PROCTOR. — Pardon me — I don't agree with my client as to that necessarily at all. That may be Mr. Pilsbury's opinion, but it isn't mine. The city ordinance may well not apply to a public institution, like the House of Correction, established by law by the county, and although Mr. Pilsbury may think so, I do not.

The WITNESS. — I answered on the ground of a private citizen and my knowledge as a member of the Board of Health, in regard to keeping swine. There may be an exception.

The CHAIRMAN. — Of course the chairman of this committee is not supposed to be up in law as Mr. Proctor is.

Ald. LEE. — Or Brother Riley.

Q. (By the CHAIRMAN.) At the same time, shouldn't you think, as a private citizen and not being learned in the law, that a public institution of the city of Boston should be under the same laws as a private citizen?

A. I should naturally suppose they should be, although experience has taught me that the city in its school-houses maintains the old-fashioned closets in a great many of the houses, contrary to law, and perhaps the Commissioners of Public Institutions may likewise violate it. I don't know that that is the fact. I am only speaking of the law as it applies to private individuals.

Mr. PROCTOR. — Not to the House of Correction.

Mr. RILEY. — The Board of Health has just as much jurisdiction over the House of Correction as any other place, and that is the law.

The CHAIRMAN. — That question of law we will not take the time to discuss. It is immaterial to me.

Q. The main fact I desire to get at from you, Mr. Pilsbury, is whether in this report which the committee made in regard to the piggery, providing the committee found those conditions to exist, if that was a wrong thing for them to put in their report?

A. No. If that were the condition as they found it, it is proper that they should report it, and I would repeat that, if it were the chronic condition, the Commissioners or master are censurable for maintaining it. It is not necessary.

Q. The report then goes on in regard to the House of Correction and speaks of the "constantly increasing number of persons who are sent to the insane hospital from this institution," and says that it "leads us to believe that something is wrong in its management." I don't care to argue the question in regard to the last half of the statement, whether you agree with the committee in regard to that or not, but I want to ask you this question, whether the committee, if they found that

there was an increase in the number of persons sent to the insane hospital from that institution, were not justified in bringing it to the attention of the Board of Aldermen and speaking of it in their report?

A. Most assuredly, sir, if it was an unusual condition, it is fair to ask why.

Q. Now, you spoke of something in regard to Holloran's system, and I think you said that Mr. Halloran's handwriting was bad, but that you considered his system good.

A. Well, I wouldn't say it was perfect, because I think there were some changes made in the system itself. I think that I took up the suggestion made by the chairman of this committee very largely and added somewhat to them myself, suggesting to the superintendent that books in a certain form be made up.

Q. A new book?

A. A new book.

Q. Was gotten out in a form with columns in it?

A. Yes.

Q. And you could read from the man's name on the left-hand side of the page clear across and get the whole story in a nutshell?

A. Yes, sir — instead of writing in "one coat," "pair of pants," etc. you have the heading "coat," "pants," and so on, and you only have to put down the figure one, etc.

Q. Instead of being a jumbled-up mess it is clear and explicit so that almost a blind man could read it?

A. It is an improvement, sir.

Q. Now, the criticism which the committee made in regard to Deer Island, wherein they say, "The committee are of the opinion that the system of accounts with the inmates might be improved. The book in which entries are made showing the amount of property brought into the institution by the prisoners, should have the cash entries so precise as to avoid all possible error. The committee discovered mistakes in this regard which ought not to occur in a public institution." Of course this last you have no knowledge of, but if they found these things to exist, knowing what you do know of Mr. Halloran's methods and his handwriting, etc., do you think that the committee were justified in making that criticism in that regard?

A. If they found it so it certainly was their duty to criticise.

Q. Well, then, taking the report all in all, do you think that the criticisms therein contained were fair criticisms for the committee to make?

A. I think it is perfectly fair that they should make them. They criticised conditions as they saw them.

RECROSS-EXAMINATION.

Q. (By Mr. BRANDEIS.) Mr. Pilsbury, in answer to a question put by Mr. Proctor in regard to the arm-chairs for the men's infirmary which were down there in March, 1894, the day that Mrs. Lincoln, Mr. Lincoln, and I met you there, you didn't mean to have the committee understand that the first time the desirability of having such arm-chairs was mentioned to the Board was that very day when they were there?

Q. Oh, no; Mrs. Lincoln had spoken of them previously in general.

Q. And the special committee of the Mayor had recommended comfortable chairs for the infirmary, had they not?

A. I believe they had.

Q. (By Ald. LOMASNEY.) Just one word, Mr. Pilsbury, about the Charlestown Almshouse. The intention is, isn't it, to have the persons who stay there residents of Charlestown?

A. Well, that has been the idea. There are not a great many of them that are, but as it came originally from Charlestown, those who were found there, have stayed, have remained.

Q. As a matter of sentiment, it is desirable to have that place for the residents of Charlestown?

A. Yes, sir. There has always been a strong feeling in that direction.

Q. About how many old couples who formerly resided in Charlestown are there now?

A. I think only one or two — very few.

Q. Now, in view of what has occurred recently, are you still in favor of continuing that almshouse there?

A. Well, I think if the almshouse should be continued, there ought to be improvements made in it.

Q. Now, with your improved buildings and facilities at the South End?

A. At Long Island.

Q. At Long Island, rather — are you in favor now of abolishing the Charlestown Almshouse, or do you still favor its retention?

A. If all could be accommodated there I might feel inclined to favor its retention. My impression is, Alderman Lomasney, that the increase in the number, even with that large accommodation, would make it necessary to preserve the Charlestown Almshouse.

Q. Well, would you advocate its retention?

A. I should, for the present.

Q. (By Mr. BRANDEIS.) As a matter of fact, Mr. Pilsbury, the Board of Visitors have recommended the retention of the Charlestown Almshouse?

A. They have recommended it; yes, sir.

Q. And they find or they report that the smallness of the almshouse enables results to be accomplished there that they find desirable?

A. More of a family relation.

Q. And it affords an opportunity for carrying out that principle of the cottage system, to which they and you both agree?

A. Yes, sir. I should like to see the attics vacated.

Q. Yes, sir. They don't say it should be continued in just the condition it is?

A. No, with improvements.

Q. But it would be a misfortune if the Charlestown Almshouse were given up altogether and the paupers sent to Long Island?

A. In my opinion that should be the last place to be given up.

Q. And the Board of Visitors have that opinion?

A. I believe that was their view of it.

Q. I think the committee should have, perhaps, before them the remarks of the Board of Visitors, where they said:

The many small rooms, accommodating three or four inmates each, are comparatively home-like, and the protection from the indiscriminate herding of a large ward must relieve almshouse life from some of its worst features. Everything in this institution is exquisitely clean, the floors of dining-room and kitchen being spotless. Both men and women are received. Inmates, who are mostly old or infirm, and a few of them are demented, are occupied probably to the extent of their capacity in keeping the place clean and taking care of each other. On the whole, they are of a somewhat more decent character than make up the population at Long and Rainsford islands. Some of the exceptions to this rule have been discharged for insubordination from one or the other of the almshouses, and sent to Charlestown for peace sake when they applied for readmission. No doubt the smaller number here makes it easier to manage cross-grained inmates, and besides, the matron of the establishment has a kindly manner that must render her rule acceptable. A visit by a member of this Board was paid here on Christmas at noon-time. Every one seemed to enjoy the excellent dinner, and a great appearance of contentment prevailed.

Q. That is, the Board of Visitors found the condition of contentment

and the advantages, on the whole, which are found in small institutions?

A. Yes, sir.

Q. As compared with the large one to which you have referred at length?

A. Yes, sir. I can't help expressing my surprise at the letter furnished by the Grand Jury in relation to the Charlestown Almshouse. It seemed to me it must have been written by a person very strongly biassed.

Q. (By Ald. LOMASNEY.) Were we not over there one day, the committee, Mr. Pilsbury?

A. Yes, sir.

Q. Didn't we find in the smoking-room men using that smoking-room, sixty or seventy men, the room that men were compelled to sleep in at night?

A. Yes, sir.

Q. Now, do you think that to have them compelled to live that way, as it was that day, without ventilation, smoking there or anything else, a desirable thing to be continued?

A. No, sir; only we were in a crowded condition and compelled to use it; that is all. The dormitories were over-crowded, and that statement in the letter is true.

Q. The day we were there, a winter day, there was no ventilation and sixty or seventy men were using the bed-room for a smoking-room, and they were right there?

A. Yes, sir.

(Documents put in evidence.)

Ald. LEE. — Mr. Chairman, as a member of the committee appointed by you to look over the requisitions and examine the same, your committee have attended to that duty, have gone along from 1889 to the present, and submit the following as the requisitions which they found that are crossed off, and the reasons why.

The CHAIRMAN. — Are these all that are crossed off?

Ald. LEE. — These are all.

Mr. Proctor at this point placed in evidence all the annual reports of the Directors of Public Institutions, commencing with 1858 and ending with 1888, inclusive; the five annual reports of the Commissioners of Public Institutions, from 1889 to 1894, inclusive; the semi-annual reports of the Inspectors of Prisons and Houses of Detention for Suffolk County from June, 1889, to September, 1894; the preliminary report, with the Mayor's message transmitting the same to the City Council, of the committee appointed to inspect the institutions of the city, 1892, and the final report of that committee in 1892; the report of the Board of Visitors, 1894; the rules and regulations governing houses of industry and reformation adopted by the Directors for Public Institutions; the rules and regulations governing the Houses of Correction adopted by the Board of Directors; the rules for Jails and Houses of Correction adopted by the Prison Commissioners; rules and regulations to be observed by convicts; messages of the Mayor concerning the disturbances at Deer Island, February 5, 1892, one to the City Council and one to the Commissioners; letter of the Commissioners of Public Institutions to Edward Kendall Sons, dated December 4, 1891, asking for bids for steam drums for Long and Rainsford islands and their bid, dated December 9, for the same; memorandums from Collector's office showing the coal, etc., sold to contractors, the amounts paid and unpaid, the unpaid amounts having been placed in the hands of the City Solicitor to enforce payment.

(The hearing was declared adjourned at 6.45 o'clock P.M., to Wednesday, December 26, at 3 o'clock P.M.)

FIFTY-SIXTH HEARING.

WEDNESDAY, December 26, 1894.

The hearing was resumed at 3 o'clock P.M., Chairman HALL-STRAM presiding.

CITY ENGINEER WILLIAM JACKSON. — *Sworn.*

Q. (By Ald. LOMASNEY.) Your full name, Mr. Jackson?

A. William Jackson.

Q. How long have you been City Engineer?

A. Since 1885.

Q. What are your duties in connection with the Water Board?

A. I am the engineer of the city, and as such, of course, act as the engineer of the Boston Water Board.

Q. Then, Mr. Jackson, if I understand you, as engineer of the city, you were called on by the Water Board to make all plans for reservoirs or anything of that kind?

A. Yes, sir.

Q. When were you first called upon to make plans for the reservoir at Long Island?

A. I don't remember exactly the date I was called upon to make plans for the reservoir at Long Island, but in 1888 contracts were made for laying a main to the island, and at about that time a plan of the reservoir was made. I don't know the exact date, whether 1888, 1889, or 1890.

Q. Well, that is a very important thing. I want to find out if the old Board of Directors for Public Institutions made the contract which resulted in fresh water being purchased at Long Island?

A. The contract for laying the mains, the work was commenced in 1888, in consequence of the contract made with the Board of Directors at that time. I don't remember which Board was in.

Q. That was 1888?

A. 1888.

Q. Well, did that contemplate having the reservoir, those plans for the introduction of water?

A. Well, not as far as I remember now. The contract of the Board was to lay a main to Long Island. The question of a reservoir was under discussion at that time. I don't know whether it was settled to build it or not. The building of the basin there was a thing that would be settled by the directors, and not by the Water Board.

Q. Well, were you in your official capacity called upon to make any plans for a reservoir at that time?

A. I made a plan at that time. I don't know the exact date of it.

Q. Well, was that reservoir ever completed?

A. No, sir; because the site was afterwards abandoned. The site was in a low place near the old barn, as I remember it, and I thought it more desirable to put the reservoir higher up on the hill where the water could flow by its own weight to the buildings. The idea of the reservoir was to have a supply of water there in case of a fire or anything of that kind, as the present pipe would not deliver but about 175 gallons a minute on high service or 120 on low service, and that was insufficient.

Q. Well, the old Board started in to construct a reservoir, is that right?

A. Yes, sir.

Q. And upon your recommendation they abandoned the site. Is that right?

A. I don't know whether they or some other people.

Q. Well, it was abandoned on your recommendation?

A. Yes, sir; on my recommendation.

Q. And it was the old Board of Directors who made the contract for the introduction of the water there?

A. The contract was made in 1888, between the Board of Directors of Public Institutions and the Boston Water Board for laying the pipe to Long Island.

Q. Well, who was it that selected that first site for the reservoir?

A. I don't know. I don't know anything about that — that is a different matter. The contract between the Water Board and the directors, as I understood it at the time, was for the laying of a pipe, and didn't include the contract for the reservoir, or anything of the kind.

Q. Well, certainly they intended to have a reservoir, didn't they, in connection with the water?

A. Well, I don't know what they did intend.

Q. Well, they started to build one, didn't they?

A. I think the Board of Directors started to build a reservoir, because I saw a site where they commenced to dig a hole.

Q. That is what I was coming at. Who selected that site for a reservoir, did you?

A. No.

Q. Did you approve it?

A. Well, I always recommended the reservoir being placed higher on the hill.

Q. You say you went and saw where they started the hole — did you disapprove of it?

A. I don't know whether I was asked to approve or disapprove. I am sure if I was asked I should have said "Put your reservoir up higher on the hill."

Q. Well, when was the reservoir abandoned that they started to dig?

A. That I couldn't tell you.

Q. When did they start the new reservoir?

A. The last reservoir was started, I think, in 1893.

Q. That is, a year ago?

A. Yes, sir.

Q. Now, since the time the old reservoir was abandoned, did you ever suggest to the Board of Commissioners the necessity of constructing a reservoir up to 1893?

A. Well, I can't tell you whether I ever did or not. I believe I did, because I have always recommended the Water Board to build a storage basin on Long Island. I can't say whether I ever recommended the Board of Directors of Public Institutions to or not. I don't think I did, because I shouldn't unless they asked me.

Q. Well, as City Engineer, if you felt that it was necessary for proper service there you would have notified them?

A. No, not necessarily.

Q. Not unless they asked you?

A. Unless they asked my advice.

Q. I would like to ask you to look over your department records, Mr. Jackson, and see if there are not some communications to you either from the Water Board or the Directors of Public Institutions, calling attention to the necessity of the reservoir on Long Island.

A. I don't know that there is, because I wouldn't naturally write a communication on a matter of that kind, because it was simply a question of how a thing should be done, my ideas and somebody's else ideas of how a thing should be done.

Q. But you made the plans of the present reservoir?

A. Yes, sir; at the request of the Board of Commissioners.

Q. What was the cost of it?

A. I don't know. I don't think I made an estimate of the cost of it, as the work was done by the inmates, and of course the only cost was really for the tools, cement, and bricks.

Q. When was that completed?

A. Completed, so as to be used, I think, about a month ago.

Q. Well, in your opinion, isn't it necessary for an institution like Long Island to have a reservoir?

A. For an institution like Long Island, or any other place, it is necessary to have some means of protection against fire, and that is the main thing that reservoir is built for.

Q. Then for three years, from the time they filled the old one to the time they started this one, the Commissioners, in not proceeding to construct a reservoir, did not take proper notice of what was needed there in the way of fire protection, did they?

A. Oh, I shouldn't say that, by any means, because they were getting ahead all the time, as far as I could see. If I thought there was very great danger I should have said so, but I didn't. As a precaution, I should say that a thing like a reservoir ought to be built as an insurance against a chance of fire.

Q. Yes, and they, not building it for three years, did not take proper precautions against fire, did they?

A. Oh, I shouldn't say anything of the kind.

Q. Well, that is the fact, isn't it?

A. No, it is not the fact.

Q. Well, if the reservoir is necessary to-day it was necessary three years ago, wasn't it?

A. Well, that depends on how you put the thing, you know. You might say, to prove that, that the buildings ought to have burned down in the last three years, that didn't. I don't suppose it is possible for a fire to occur down there that would require anything more than a simple pipe-line service, but if the main should be frozen, say, in January, and the water-supply cut off for one week, two weeks, or three weeks, and there was not a reservoir there, it would be a question of providing some way to get water to the buildings, either by putting a pump down to the salt water, or by having the fire-boat go down there to supply the buildings, and the most easy way of storing is to store the water on the ground, in a reservoir.

Q. (By Ald. LEE.) I understand, Mr. Jackson, that 1888 was the first time a main was laid to connect Long Island with water.

A. In 1888 the work was commenced, finished in 1889.

Q. And the break occurred when?

A. The break occurred in 1893.

Q. And have you been asked about the cause of that break?

A. The cause was the extreme cold weather, the long continued supply of cold weather, which chilled the water in the harbor to about twenty-eight, and the water in the pipe between Long and Moon islands froze.

Q. Well, that pipe, then, had been in service from 1889?

A. To 1893.

Q. Now, when that pipe was laid, at that time it was supposed it was sunk deep enough so that there would be sufficient protection against the cold?

A. When that pipe was laid it was buried at the bottom of the bay, and was cased in wood and surrounded by lime. That was as a protection against the action of the sewage in the bay, which discharges at that point, and also incidentally might serve as a protection against freezing.

Q. Well, now, you know what month it was that that main broke?

A. January, 1893.

Q. Now, there has been some evidence here that there was a delay in having that repaired. Do you know what was the cause of the delay in repairing that pipe?

A. Well, cold weather and high winds. You couldn't repair it until the weather got warm enough so that a man could work there and find out what the matter was.

Q. When you say so, that a man could work there, you mean a diver?

A. Has to be done by divers; yes, sir.

Q. And with the temperature of the water it was hard to find a man who would attempt to go down and repair it?

A. Well, they don't do anything when they do attempt it, as a matter of fact.

Q. That is, it has been a useless expense?

A. A useless expense; yes, sir; cheaper to carry water down to the island.

Q. Cheaper than it would be to have them start in and repair it at that time?

A. Yes, better and surer.

Q. Well, what protection have they now against the same danger of a break? What is the change that has been made?

A. Well, the reservoir has been built on the island, and if a break occurred now, you have got one and a quarter million gallons stored there for use.

Q. And the breaking of the pipe at that time brought it more vividly to the attention of the Commissioners, the Water Board, and you, that a reservoir should be built?

A. Well, it convinced the Water Board, the Directors, and myself that a reservoir must be built, that it was an imperative necessity.

Q. Now, I may not get it through me as clearly as Alderman Lomasney, but I understood you to say that in 1888 under the old Board of Directors they were contemplating the building of a reservoir, and you were shown where it was going to be built. Did you go to Long Island?

A. I went to Long Island; yes.

Q. And found that it was being built on low ground?

A. Well, that was merely an incident of the trip. I was not asked to approve it, as I remember. In fact, I don't remember much about that, as that was work which was being done by the directors themselves. I couldn't say whether it was in 1888 or 1889, because it wasn't a matter to which my attention was especially directed.

Q. You didn't go down there for that purpose?

A. No.

Q. But if your attention had been called to the building of that reservoir on that low land you would have recommended its being abandoned, and placed, as I understood you to say, on higher ground?

A. As soon as it was called to my attention I did recommend it.

Q. That it be placed on higher ground?

A. Yes, sir.

Q. Now, is that reservoir built there now high enough to let the water go to any of the buildings, or must it be pumped to the top?

A. It is high enough to allow the water to go to the top of the buildings.

Q. (By Ald. LOMASNEY). During the break, Mr. Jackson, what protection was there on the island against fire in the way of water?

A. I don't know anything about that. They have some reservoirs on the island which they keep filled, and they had the same protection which they had years and years before. I don't know what that was, I am sure.

Q. What was the ordinary protection against fire there when the break was there and they had no water from the mains?

A. The same protection they had before the main was laid down

there. I didn't know what it was and don't know to-day. I know they had some protection.

Q. Well, you knew they were carrying water by water-boat?

A. I understood that was to drink.

Q. What other protection against fire?

A. I don't know. I believe they had some storage reservoirs about the buildings. I don't know what they are — cisterns.

Q. Well, about how many cisterns are or were there?

A. I don't know.

Q. Did you ever see them?

A. I don't know whether there were any or not.

Q. Of your own knowledge?

A. No, sir.

Q. (By Mr. BRANDEIS.) You spoke of the break in the water-pipe in January or February, '93, on account of the cold?

A. Yes, sir.

Q. That wasn't a long break or interruption was it, in '93?

A. No.

Q. What were the others?

A. When the pipe was being repaired — let's see. In '93 the pipe was frozen, and then as soon as the weather became so that we could go to work there, I think a wrought-iron pipe was laid across the channel pending the purchase of a cast-iron pipe to replace the broken pipe, and later on, after the broken pipe had been laid, it was necessary to break the connection between the wrought-iron pipe and the permanent pipe and remake the connections, and then there were various leaks which had to be repaired, and it took some time to make the pipe tight. I don't know exactly how many interruptions there were during that time — quite a number.

Q. How long, according to your recollection, was the second break — the break that came in the fall? How long was there a discontinuance of water then?

A. Well, in the fall, I think, there was a break from the joints breaking out, or a vessel's anchor pulling joints out, I don't know which. I don't suppose anybody will ever know.

Q. Do you know how long that break continued?

A. No, sir; I wouldn't know about that necessarily.

Q. Dr. Cogswell stated that it was from September 25 to November 3 that they were without the city water — I mean the fall break, not the one just testified to?

A. The fall of '93?

Q. Yes, sir; September 25, 1893, to November 3?

A. I couldn't say without looking up the records.

Q. Now, Mr. Jackson, you spoke about the pipes serving to January, '93 — how do you account for the fact that the Commissioners reported the cost of water for Long and Rainsford islands for the year ending 1892 as \$1,430?

A. 1892?

Q. Yes, sir. Mr. Pilsbury testified that the cost, the amount they paid for the water, was \$2,500 per year.

A. Then there must have been some interruption that I overlooked in looking up the records.

Q. And in case of those interruptions they have always brought the water from Deer Island in a boat at \$40 a day for transportation?

A. I don't know about that.

Q. But they did bring it from Deer Island?

A. I don't know where they did bring it from, I am sure. There might have been a break in 1892, but if there was I didn't find it by looking at the records.

Q. I understood Mr. Pilsbury to testify that there had been previous breaks, and I wanted to know whether you wish to make a different statement, and have simply referred to those figures in the report of the Commissioners showing that they have paid \$1,430 in one year for water, whereas \$2,500 is the annual charge?

A. Well, that is a matter of record. If you desire I will look it up.

Q. I shall be very glad to have you, Mr. Jackson.

A. Yes, sir.

Q. (By Ald. BARRY.) Are there any other islands that take water from that same supply? I understand it is a five-inch pipe, is it not?

A. A six-inch pipe.

Q. Are there any others that take water from the same pipe as it comes down through Neponset, and over to Long Island?

A. Yes, the others are Thompson's Island, Moon Island, Long Island, Rainsford Island, Galloup's Island, and Castle Island—I don't mean that, Fort Warren.

Q. Well, isn't there a charge made to those islands for the water-supply?

A. There is a charge made to Thompson's Island, a charge made to Fort Warren. I don't know whether there is any charge made to Galloup's or not.

Q. Well, is the revenue received from that more than enough to pay the interest on the amount? I understand that it costs about \$45,000 to lay that pipe.

A. Well, I don't know exactly what the income is, and I couldn't answer.

Q. You don't know about that?

A. No, sir.

Q. (By Mr. PROCTOR.) As I understand it, Mr. Jackson, the reservoir first proposed was commenced before the introduction of city water at all?

A. I don't know when it was commenced.

Q. Well, but there was no city water conveyed to the island by means of a pipe before the present Commission went into operation, was there?

A. Eighteen hundred and eighty-eight was the first work done on laying a pipe there. I am not sure about when that first reservoir was built, might have been '88, '90, '91, or '92, for all I know.

Q. Then you cannot say when the first reservoir was began, but you think it was during the term of service of the Board of Directors?

A. I think so. I am not sure.

Q. Now, at the time that that was begun was the city water conveyed to Long Island by means of a pipe or main?

A. The city water was first conducted to Long in '89.

Q. That is, the pipe was completed, was it?

A. The pipe was completed in '89; yes.

Q. But this reservoir, you say, was in a bad place, this first one?

A. It was in a place where all the water in the reservoir if pumped would have been of use.

Q. It was where, I suppose, there would have been drainage from the island in the vicinity of the reservoir?

A. Well, not necessarily.

Q. Not necessarily but likely?

A. That depends on the measures taken to carry the drainage away from it.

Q. This first reservoir was never completed?

A. No.

Q. It was filled up, was it?

A. Yes.

Q. And a reservoir was begun in a more suitable place?

A. Well, yes, in my opinion.

Q. Well, I am asking for your opinion. That was begun when? When were the plans drawn for that reservoir?

A. '92 or '93, I think — I am not sure.

Q. It might have been '92, so far as your memory is concerned?

A. I think the date on the plan will show that.

Q. (By Ald. LEE.) Have you got the plan here?

A. I have got a plan here.

Q. (By Mr. PROCTER.) When were you able to get high pressure at Long Island?

A. High pressure was first connected with Long Island about a year — a little more than a year ago.

Q. Before that they had not had it?

A. Well, I don't think they need it to-day.

Q. Well, you think they don't need it, but before that had they had it?

A. No, they had not.

Q. Is that necessary to fill the reservoir?

A. No.

Q. As I understand it, from this water main which supplies Long Island, Rainsford Island is also supplied?

A. Yes.

Q. And Galloup's Island?

A. Yes.

Q. And Thompson's?

A. Yes.

Q. And Fort Warren?

A. Yes.

Q. And that is done by the Water Board?

A. Yes.

Q. Any other island aside from those?

A. Excepting Moon Island.

Q. Moon Island. And this break in February, '93 —

A. I think that was in January. I am not sure which month it was, might have been February.

Q. Well, it had no connection with the management of Long Island?

A. If it should get cold this next season, very cold this season, the pipe would be almost sure to freeze again.

Q. It will be sure to freeze. Well, as I understand it, Mr. Jackson, the reservoir now is situated where water can be forced into the building?

A. Yes, sir.

Q. And where the reservoir was placed before, the old one, it would be necessary to pump in order to get it into the building?

A. Yes.

Q. At any time did the plan include hydrants on the island?

A. Well, I can't say when those hydrant pipes were laid, but I have been asked from time to time to locate hydrants, and have done so, and they have been placed there.

Q. When have you located hydrants at Long Island?

A. The last I located was about two months ago.

Q. Had you located some before that?

A. Yes.

Q. The last one was for the new buildings?

A. Yes. 1888, I think, was the first location I made of hydrants, 1888 or 1889, I won't say which.

Q. And you have made them from time to time since?

A. Whenever they have asked for them.

Q. Were there cisterns at Long Island, too?

A. I have always understood that there were cisterns there, because they had a water supply before the city supply was introduced.

Q. Well, as far as you understand it they relied on cisterns previous to the introduction of the city water?

A. I don't know what they relied on. I know I have been told that there were cisterns there, that is all I know about it. How they got there I don't know.

Q. Did you ever hear that their capacity was 160,000 gallons?

A. I don't know. I may have or may not.

Q. You may have?

A. May have or may not.

Q. (By Mr. BRANDEIS.) Mr. Jackson, Mr. Pilsbury testified that the present reservoir holds about two months' supply, and if there were breaks in the water-main such as had occurred previously, none of which were longer than two months, that they would have water there without any interruption?

A. I think so.

Q. So that the present reservoir guards against the recurrence, so far as past experience has been, of any interruptions in the supply of water such as have been known since the city water was introduced in 1889.

A. I should say so.

JOSEPH W. SWAN. — *Sworn.*

Q. (By Ald. LOMASNEY.) Mr. Swan, you are clerk of the Water Board?

A. I am.

Q. I would like to ask you if you have any communications addressed to the Board of Commissioners of Public Institutions from the Water Board, between the years 1889 and 1893, urging upon them the necessity of constructing a reservoir at Long Island?

A. Well, I have been unable to find any communication to them bearing directly on that reservoir question.

Q. Well, have you any communications in regard to the water-supply at Long Island?

A. I have.

Q. In regard to laying the mains or building the reservoir. I don't care so much about the mains. We know when they were built, but I would like to find out if there are any communications from your Board to the Commissioners, urging upon them the necessity of constructing a reservoir, to provide against fire.

A. Perhaps I had better state, for the information of the committee, that the first petition received from the Board of Directors for a supply at Long Island, was under date of October 24, 1887.

Q. (By Ald. LEE.) That is, for a supply?

A. That was the first petition for a supply of water for Long Island, signed by John B. Martin, President.

Q. (By Ald. LOMASNEY.) Have you the petition there?

A. This is the original petition :

“OFFICE OF THE BOARD OF DIRECTORS OF PUBLIC INSTITUTIONS,
No. 14 BEACON ST., BOSTON, October 24, 1887.

To the Board of Water Commissioners :

GENTLEMEN: This Board respectfully requests that the Home for Paupers at Long Island be connected with the main water service of the city of Boston at as early a date as convenient.

Respectfully,

JOHN B. MARTIN,

President.”

Q. (By Ald. LEE.) What is the date?

A. October 24, 1887. That is the starting-point of the whole thing, as far as the water-supply is concerned.

Q. (By Ald. LOMASNEY.) Now, when was the contract entered into for the introducing of the system?

A. That petition was referred to the Engineer — on the following day, the day of its receipt, referred to the Engineer to report an estimate of the expense of connecting with the city supply. On October 29, four days later, the Engineer submitted this report to the Board: — it is a letter written by one of Mr. Jackson's assistants to him and transmitted to the Board:

OFFICE OF CITY ENGINEER,
CITY HALL, BOSTON, October 29, 1887.

WILLIAM JACKSON, Esq., *City Engineer* :

I have made a somewhat hasty examination into the question of the water-supply of Long Island and submit the following report:

The buildings already constructed are calculated to accommodate 650 persons, allowing 50 gallons per person, the daily consumption will be 32,500 gallons. The present consumption is, I am informed, about 5,000 gallons per day. The nearest point from which Cochituate water can be obtained is Deer Island.

I estimate the cost of laying a 6-inch main from the present mains on Deer Island to the buildings on Long Island, crossing the channel with a flexible jointed pipe as follows:

6,500 feet 6-inch pipe on Deer and Long islands	\$6,000 00
5,000 feet 6-inch flexible pipe, at \$5	25,000 00
	\$31,000 00
Add 15% for contingencies	\$3,000 00
	\$34,000 00

If a two-inch lead pipe were substituted for the flexible pipe crossing the channel, the cost would be reduced about \$15,000.

The bottom on the Deer Island shore is very rocky, and it is very doubtful if the lead-pipe would not be cut off by the action of the waves and tides.

A pipe two inches in diameter would supply ten thousand to fifteen thousand gallons per day.

The bottom of the channel between Long and Moon islands is better suited for a pipe-crossing. I estimate the cost of laying a 6-inch main from Neponset via Squantum and Moon Island, as follows:

21,000 feet of 6-inch pipe, at \$1	\$21,000 00
3,000 feet 6-inch flexible, at \$4.50	13,500 00
Rock excavation and siphon	5,000 00
	\$39,500 00
Add 10% for contingencies	3,950 00
	\$43,450 00

This estimate does not include the cost of any rights of way which might be required. The pipe crossing the channel would be much easier to lay and maintain than between Deer and Long islands.

Either plan will require a storage reservoir on Long Island and pumps of sufficient capacity for fire service.

These will probably cost from \$5,000 to \$6,000.

Yours respectfully,

DEXTER BRACKETT,
Assistant Engineer.

A. That was transmitted to the Board.

Q. Give us the next paper on that subject, Mr. Swan.

A. On February 23, the Engineer made another estimate of the cost of supplying the water.

Q. (By Alderman LEE.) What year?

A. February 23, 1888.

OFFICE OF CITY ENGINEER,
CITY HALL, BOSTON, February 23, 1888.

COL. H. T. ROCKWELL, *Chairman, Boston Water Board* :

DEAR SIR: The following are approximate estimates of the cost of supplying Long Island with water:

First, via Deer island.

6,500 feet 6-inch pipe on Deer and Long Islands	\$6,000 00
5,000 feet 6-inch flexible pipe, at \$5	25,000 00
	\$31,000 00
Add 15% for contingencies	3,000 00
	\$34,000 00

Second, via Moon Island.

21,000 ft. 6-in. pipe, at \$1	\$21,000 00
3,000 ft. 6-in. flexible pipe, at \$4.50	13,500 00
Rock excavation and siphon	5,000 00
	\$39,500 00
Add 10% for contingencies	3,950 00
	\$43,450 00

This estimate does not include the cost of any rights of way which might be required. The pipe crossing the channel would be much easier to lay and maintain than between Deer and Long islands. Either plan will require a storage reservoir on Long Island and pumps of sufficient capacity for fire service. These will probably cost from \$5,000 to \$6,000.

Yours respectfully,

WILLIAM JACKSON,

City Engineer, and Engineer Boston Water Board.

On January 22, 1888, the Engineer submitted another detailed estimate of the cost of laying a six-inch line of pipe, as follows:

The following is a detailed estimate of the cost of six-inch pipe to Long Island:

Neponset to end of Moon Island, 20,000 ft., at \$1.05	\$21,000 00
Across the channel, flexible joint-pipe, 3,600 ft., at \$4.50	16,200 00
On Long Island, 6,300 ft., at \$0.75	4,725 00
Siphon and pipe-box	6,000 00
Ledge	500 00
Railroad bridge	500 00
	\$48,925 00

No allowance for land damages is included in the above.

Those were the first letters in regard to the laying of the pipe system. In the limited time I had — I only received my notice to appear before this committee just before noon — in the limited time I had I ran over the records as well as I could and made little notes which perhaps will give the committee some information.

Q. (By Ald. LOMASNEY.) Could you give us the date of the contract, Mr. Swan?

A. On July 3 — that is not the date of the contract. July 3, 1888, the Board received the order of the City Council giving them authority to lay the pipe. They advertised for bids on the 13th of July. Bids were opened on the 27th, and the contract was made with Geo. W. Townsend on the 30th of July.

Q. What year, Mr. Swan?

A. 1888.

Q. When was the work completed?

A. Then they had a long squabble with the Quincy authorities there in regard to going through. May 2, 1889, I made a little note here — Inspection of the work with the Directors. That was, I suppose, that the Board went with them on that date. August 21, 1889, the 6-inch pipe to Long Island was placed in service.

Q. Now, Mr. Swan, have you got any communications from the Water Board to the Board of Commissioners since they went into office in 1889 asking them to construct a reservoir?

A. No communication asking for a reservoir on Long Island. The Board, I know, have repeatedly in conference with one or more members of the Board of Directors, had that matter under consideration and have always urged it.

Q. Have always urged upon the present Board of commissioners the necessity of constructing a reservoir?

A. The necessity of having a storage reservoir on the island to be used in case of fire.

Q. Now, when did they start this present reservoir? When did they start to build it on Long Island?

A. That I have no means of knowing.

Q. About how long ago was the first conference had with the commissioners when they urged the necessity of building that reservoir?

A. Well, that I couldn't say.

Q. (By Ald. LEE.) You said you had some data there that would interest the committee. Let us have it. Does it relate to the reservoir and the water at Long Island entirely.

A. This all relates to the water, but not the reservoir question.

Q. Let us have it, let us see what it is.

A. I think it would be well to call the attention of the committee to what the Board state in their last annual report.

Q. Last year?

A. This last annual report. They say in regard to the harbor service.

The submerged pipes supplying water to the several islands in Boston Harbor are constant source of trouble and annoyance to this department, and great expense is incurred each year in keeping them in repair. Their liability to freeze in exposed places at low tide, as well as the disturbance caused by the strong currents in the channels, make it impossible to insure an unfailing supply of water to the islands, and we deem it most essential that storage reservoirs be constructed on all the islands, of sufficient capacity to supply their needs, both for domestic and fire purposes, in case of emergency.

And it gives the cost of all the various extensions amounting up to February 1, 1894, to a total of \$72,633.61. That includes the repairs which have been made up to that date, which amounted to \$6,608. The Board ordered the high service turned on the harbor system September 12, 1893.

Q. The high service?

A. Yes, sir.

Q. It was on the low service was it?

A. Previous to that it had always been low service. In order to make the change from low to high service the expense was \$3,445.

Q. Now, have you any communications or has the Water Board any record of any communications received in relation to the break in January, 1893 — from the Commissioners to the Water Board?

A. Well, generally when the Board received notice of a break at first, it would be through the telephone, and would at once telephone to the superintendent to look into it.

Q. Well, is there any record of any action taken by the Water Board, by communication, either written or telephonic, or by messenger, from the Commissioners to the Water Board in relation to that break in January, 1893?

A. Well, must have been some.

Q. Can you find it?

A. I haven't that record book with me.

Q. Well, have you any memorandum that you have made there?

A. It is alluded to.

Q. What one was it, if you have a memorandum there, and then we can find that later.

A. No, I have nothing on my notes here in regard to it, except that this probably has something to do with it — "A proposal of Townsend and Olsen to repair the submerged pipe between Moon and Long islands."

Q. When was that?

A. March 2, '93.

Q. Between what islands?

A. Between Moon and Long.

Q. March 2, '93?

A. Yes, sir. I have a little tracing here which shows just the exact line of those pipes.

Q. Well, you have got some communications, have you, in the record?

A. I dare say that is mentioned on the record book somewhere, of that state.

Q. Well, what I want to get at is the earliest date that the Water Commissioners, after the time of the break, got information that there was a break, and what was done by the Water Board? Now, can you find that?

A. I dare say that as soon as the water stopped down there the Water Board were notified, and they took means at once to look into it.

Q. (By Mr. REED.) Is there anything on your record, Mr. Swan, showing the location of that first reservoir at Long Island?

A. No, sir.

Q. Do you have any recollection of the location of a reservoir at the north-west corner of the main building in 1888?

A. No, sir.

Q. You don't know, then, that there was a reservoir contemplated at that time?

A. No, sir.

Q. You don't have any record of any action taken by the Board locating that reservoir?

A. No, sir; I don't see that that came under the Water Department at all.

Q. Under what department did it come?

A. I should consider that it came under the Public Institutions — that the Water Board's duty was to deliver the water to the island, and that the reservoirs were to be built by the Public Institutions.

Q. Well, are the water-pipes laid by the Public Institutions Department — the water-pipes to the island?

A. Not to the island.

Q. By what department are they laid?

A. The Water Department.

Q. Then what record have you in regard to this last reservoir — any?

A. No record whatever.

Q. No record in relation to the last reservoir?

A. No, sir.

Q. Then there is no record at all in your office about any reservoir down there?

A. Nothing of the kind, unless there appear in the record some recommendations that the Directors for Public Institutions establish a reservoir there for their own safety.

Q. Well, then, the recommendations in the reports of the Water Board contemplated work to be done by the Commissioners of Public Institutions, and not by the Water Board?

A. Certainly.

Q. Is that right?

A. That is right.

Q. Now, you have spoken of a plan to introduce water to Long Island in 1887. As I understand you, the plan at that time was to lay the pipes from Deer Island to Long Island, is that correct?

A. There were two estimates made, one from Deer Island and one from Moon Island.

Q. That was in 1888, was it not?

A. It was the date that I read there.

Q. I understood you to read that the first plan was to introduce the water from Deer Island to Long, and that the second one contemplated two plans?

A. I merely gave you the estimates as given by the Engineer to the Water Board, which contemplated two plans.

Q. Well, you read a petition from the chairman of the Board of Directors, John B. Martin. That was the first paper you read, wasn't it?

A. That was the starting-point.

Q. Then, after that, you read an estimate. Now, I ask you if that estimate didn't contemplate taking the water by way of Deer Island?

A. One estimate contemplated taking it from Deer Island, and it was followed by another one contemplating taking it from Moon Island.

Q. I understand that, but I am speaking about the first estimate now. Are you sure that the first estimate contemplated taking it from anywhere but Deer Island? You have the paper there and you can refer to it.

A. I have no way of knowing, except what the paper states, as I read it.

Q. Well, read it again, and tell me whether I am right.

A. The estimate states first via Deer Island, at a total cost of \$34,000; second, by Moon Island, at a total cost of \$43,450.

Q. Then the first estimate did contain two plans?

A. Well, when I speak of the first estimate of the Engineer it includes the two. They were all in one communication, but they are two separate estimates.

Q. Well, then, there were two separate estimates given in response to the petition of Chairman Martin?

A. There were.

Q. And later on in that year there was another estimate given in detail, was there not?

A. Yes, sir.

Q. Well, now, did that estimate comprise the two former estimates or only one?

Ald. LEE. — You mean in 1888?

Mr. REED. — Yes, June 22, 1888.

The WITNESS. — The second estimate was the communication which was written to the Engineer by one of his assistants, and it was, I think, substantially the same. I think the first two communications that I read from the Engineer are substantially the same — that one is written to the Engineer from Assistant Engineer Brackett and the other one is from the Engineer direct to the Board.

Q. (By Mr. REED.) Well, all I want to know is whether you have in detail the estimate of cost of both of these plans — the one from Deer Island and the one from the other side?

A. Yes, sir; as I read them.

Q. Now, at some time one of these plans was abandoned and the other adopted by the Water Board, was it not?

A. Yes, sir.

Q. Now, when was that?

A. The plan that was adopted was the estimate of the Engineer made June 22, 1889, the last one that I read.

Q. Well, that was to take the water from what place?

A. To take the water around through Squantum, through Neponset, to the end of Long Island, across the channel, and on Long Island, at a cost of \$48,925.

Q. Now, that was the more expensive plan of the two, was it not?

A. Yes, sir; that foots up more than either of the others.

Q. But it was determined that that was the best plan?

A. Yes, sir; as far as I know. That is the one they adopted, at any rate.

Q. And that plan was finally put into operation?

A. Yes, sir.

Q. Now, you read some record there of an inspection of the work in 1889.

A. May 2, 1889. These are merely notes that I made from the record. I can read the original record — "Inspection of work with Directors."

Q. That was with the old Board of Directors before the Commissioners came into office, was it not?

A. That is on a record book later than I have here.

Q. But that was with the Directors?

A. With the Board of Directors.

Q. That was before the paid Commission came into office?

A. That I don't know, sir.

Q. Well, it must have been, if it was the Board of Directors.

Q. (By Ald. LEE.) What is the date of it?

A. May 2, 1889.

Q. (By Mr. REED.) Then you gave another date, Aug. 21, 1889; let me ask you if that is the date upon which the completion of laying the 6-inch pipe was made?

A. That is the date on which the records of the Boston Water Board states that the 6-inch pipe to Long Island was placed in service.

Q. Well, at that time the paid Commission was in office?

A. Which paid Commission do you refer to — the Water Commissioners?

Q. Well, I understand that they have always been paid — the Water Commissioners?

A. No, sir; not always.

Q. I never heard that they omitted to draw their salary. I was speaking of the Commissioners of Public Institutions?

A. That I have no way of knowing except from memory.

Q. What is your memory?

A. My memory is not good on that point.

Q. You don't know, then, whether the Commissioners of Public Institutions were in office at that time or not?

A. Nothing only what I might see from communications on the record books.

Q. Well, what is your judgment about it?

A. I have no particular judgment about that.

Q. Then your answer is you don't know?

A. Yes, sir. I think I said so at first. I have about all I can do to attend to work in my own department without keeping track of others.

Q. Well, don't you know when the paid Commission went into office, in charge of the Public Institutions?

A. No, sir, I do not.

Q. You don't know that it was prior to August 21, 1889?

A. I do not. I can't say without looking it up.

Q. You say the high service was introduced at Long Island, September 12, 1893?

A. That was the date the Board ordered it on.

Q. They ordered it on?

A. Yes, sir.

Q. Now, do you know whether in the judgment of the Board it was necessary that they have the high service at Long Island for the purpose of filling that reservoir?

A. No, sir; not particularly.

Q. You don't know whether it was the judgment of the Board that it was necessary for that purpose or not?

Q. I do not.

Q. When this 6-inch pipe was laid to Long Island do you know what the purpose of laying that pipe was?

A. It was to furnish a supply of water to the institutions on Long Island.

Q. To furnish a supply of water to the institutions on Long Island?

A. Yes, sir.

Q. Has there been any change in the size of that pipe since it was laid? Has the 6-inch pipe been removed and a larger pipe placed where the 6-inch pipe was?

A. I think not.

Q. You have no record of any such action?

A. No enlargement of the pipe; no, sir.

Q. You know that Rainsford Island has since been supplied from that same pipe, do you not?

A. Yes, sir.

Q. You know that Galloup's Island has since been supplied from that same pipe?

A. Yes, sir.

Q. You know that Moon Island is supplied from that same pipe?

A. Yes, sir.

Q. You know that Fort Warren is now supplied from that same pipe?

A. I do; also Thompson's Island.

Q. And Thompson's Island. That, of course, would reduce the pressure at the institution on Long Island, would it not?

A. Well, I would suppose it would. That is rather an engineering question.

Q. That is, a pipe which was of sufficient size to supply the institution at Long Island, and give them complete service, after having been tapped and used to supply other islands, might well be considered insufficient to supply Long Island?

A. Well, yes, I should say that might be so.

Q. Well, has the Water Board taken any action, so far as you know, looking towards an increase in the size of the supply-pipe to Long Island?

A. No definite action.

Q. They have considered it, then?

A. I think it has been talked of in the Board.

Q. Well, then, the consideration of that subject must have been based on some necessity, of course. Isn't that true?

A. Well, I should say so. At the time that pipe was originally laid there, I don't know that it was contemplated to supply all those different islands.

Q. Well, you know what the water-supply at Long Island was before that pipe was laid?

A. I do not.

Q. You don't know, I suppose, where it was intended to get the water to supply the first reservoir that was laid out there?

A. No, sir.

Q. You don't know that they had intended to bring it from Deer Island by boat — never heard that, did you?

A. No, sir; I never did.

Q. When the Water Board was informed of a break in that pipe, I understand you to say that the information came from the Commissioners of Public Institutions, either by communication or by telephone, am I correct?

A. Yes, sir.

Q. And have you any means of knowing how soon after the break occurred that information came to the Water Board? Was it the next day after the break?

A. I don't remember particularly about that.

Q. Does your record show?

A. I doubt if it does.

Q. Does the record show the time at which you received these various notifications?

A. I doubt very much if it is on the record book.

Q. It would simply show the day?

A. For instance, they might have telephoned in the morning, and whoever answered the telephone would naturally telephone right to the superintendent's office that there was a break there.

Q. To the superintendent of —

A. The superintendent of the Eastern Division, having charge of that line.

Q. That is Mr. Brackett, is it not?

A. No, Superintendent Welch.

Q. Mr. Brackett is in the Engineer's office?

A. Yes, sir.

Q. (By Ald. LOMASNEY.) Mr. Swan, before connecting these different islands I presume the Water Board consulted with the City Engineer?

A. Before laying the pipes.

Q. Well, before they connected the different islands — Thompson's and all these different places — with this pipe, they consulted with the City Engineer?

A. Certainly.

Q. And it was on his recommendation and suggestion that they were allowed to connect?

W. Yes, sir.

Q. And who makes the plans?

A. The Engineer makes the plans.

ELIZABETH G. EVANS. — *Recalled.*

Q. (By Mr. BRANDEIS.) Mrs. Evans, the committee expressed a desire at one of the recent hearings to have us submit to the committee any practical suggestions for carrying out the recommendations which have been made in regard to the improvement of the management at Long Island. The subject which was considered most fully was that of classification, and I would like you to state to the committee what you can with a view to carrying out practically the recommendation which has been made on the subject.

A. Well, as I understand it, the new building at Long Island, the one erected for women, will very soon be in use, and that will

collect on Long Island the women now on Rainsford and leave still on Long Island the women now there and all the men now there. I am told that it is the plan to vacate the almshouse at Charlestown and put all the inmates of the Charlestown Almshouse on Long Island. If they do that I should think the crowd at Long Island would be so great that there would be very little opportunity for classification. Last winter there were 692 inmates at Long Island, the largest number, 458 the largest number at Rainsford Island, and 160 the largest number at Charlestown. The new building, as I understand it, provides accommodations for 400. How many can be accommodated in the new wing of the hospital I don't know, but we will call it 100, making 500 more, whereas there were more than 600 last winter at Rainsford Island and Charlestown. So, if those two institutions are vacated and all the pauper inmates collected on Long Island, the institution would be so crowded that I don't see how there would be very much opportunity to classify at all, excepting as they could put the women in one building, and the men in the other. I should think, aside from the classification of sex, there would be very little opportunity at all. But if the use of the Charlestown Almshouse should be continued I should think that might leave room enough in the building at Long Island to allow for classification in the buildings there. I understand it is the intention to collect all the men inmates in what is known as the Institution Building, the old brick building. Well, there are, six, if not seven—I am not sure whether six or seven large dormitories there, very large ones. That would give six rooms, and in these six rooms the inmates might be classified as is seen fit. One room might be called the Work-house Department, assigned to the able-bodied men, or something of that sort, such men as it might be deemed best to keep together being placed in the different wards. For instance, another one of the dormitories might be occupied by those who are aged and infirm, and so on. There could be six divisions if there are six wards there.

Q. Well, some of those are now used as an infirmary.

A. Well, what they call the infirmary wards for the men are no different from the rest of the institution, so far as I have discovered. There is no difference at all, except that the men in the infirmary ward are allowed, I am told, to lie down in the day-time if they want to, and the others are not allowed to do so without permission. You might have some comfortable chairs for those men. You could have different divisions, different kinds of men associating together. You might call that the infirmary ward, for instance—I believe it is Ward A—but aside from the way in which the infirm and sick might necessarily have to be treated differently from the others, it could be understood that the discipline was to be the same throughout the institution. I should think the fundamental thing in classifying would be to have the institution divided into the hospital department for the sick, the infirmary department, the almshouse department proper, the infirmary department being for those who need care and maintenance, the hospital department for those who were sick, the

work-house department, where the discipline should be very strict and the fare very simple, for the able-bodied. The able-bodied are, necessarily, as a rule, loafers.

Q. Well, how practically would you go about making that classification which you speak of and apply it in the buildings which are, and are likely to be, at the disposal of the Commission?

A. I don't see why in the buildings just as they are, even without alterations, the rudiments of a classification and an admirable and satisfactory one, might not be introduced.

Q. That is, if there were six or seven rooms, two of them might be used as an infirmary; and you would have in that infirmary at least two classes?

A. Yes.

Q. And the remaining four or five rooms could be used for a work-house, with the further possibility of at least four or five classes there?

A. Yes. And then by having them use the dining-room separate, instead of all going to the dining-room together, you could make difference in the food. Have the able-bodied given simple fare. Give them no luxuries. My idea would be to give luxuries simply, if at all, to those disabled, making them decently comfortable, but not to tempt by luxuries those who can support themselves and will not, to come there.

Q. Would there be any difficulty in dividing any of the large wards there by means of partitions?

A. In some of the new buildings at Tewksbury which I happened to visit last week, rather incidentally, I noticed in some of the new wards they have a partition up higher than a man's head, running down the middle of the ward, and once or twice crossing it, so that it breaks it up. It is open as far as ventilation and allowing fresh air from above is concerned, of course, but in one sense it cuts the place up into small rooms below. It seems to me to break up the sense of monotony and dreariness that you get in a great ward from fifty to eighty beds.

Q. And it gives you an opportunity to classify them also?

A. Yes. For instance, if there was a large ward holding 100 beds, you could have it divided so that there would be fifty on one side and fifty on the other. Then if further subdivision was required it could be done.

Q. Do you consider it desirable that inmates should be divided up into smaller classes than would be indicated by a ward of the size that they are at Long Island?

A. Yes, sir; very much so. At the Charlestown Almshouse they have a number of small rooms. Some rooms where there is one inmate, others where there are two, three, and four, and I should think with that arrangement there would be much less quarrelling and less chance of contamination, because they are then broken into groups. If the inmates from the Charlestown Almshouse are all placed on Long Island it would not really allow sufficient room in the institution at Long Island for proper classification. In regard to the arrangements at Long Island, I don't see why a partition might not be run across one of the large wards,

making a little day-room for the aged and those who want to be made comfortable. There might be a comfortable reading-room, with a desk there, with magazines and papers, perhaps pictures on the walls, and there might be a room upstairs where the people who are not able-bodied and who could not be out-doors might have some place to sit besides staying by their bed all day with nothing to do.

Q. Then you think that without any appreciable additional expense the Institution Building at Long Island could be adapted to carrying out this plan of classification which has been generally testified to as being desirable?

A. I don't see why not. I can't see any objection to it.

Q. Have you anything else to say on the subject of classification?

A. No, I don't think I have.

Q. Then the next subject discussed was the matter of compulsory labor. It was suggested that it would be desirable to have legislation in order that work might be enforced—even admitting that the law is sufficient—because, in the first place, it has not in the past been enforced, and in the second place, that a considerable expense would be necessary for workshops in order to put the plan into operation. Have you considered that subject?

A. Well, I shouldn't think there would be any need of workshops. They have no work-shops at Tewksbury. There wouldn't be so very many able-bodied paupers there if they were made to work. They would keep away. Mayor Matthews suggested to the Board of Visitors last winter that they should use their efforts to induce the Commissioners to erect a stone-shed at the wharf for cutting stone. He said that could be done at small expense and would be profitable to the city, which could use all the stone that was cut. He did not suggest as to whether there was any necessity for legislation to erect the shed. There might be; I don't know in regard to that. But I should think such a shed could be erected at a small outlay, that the stone could be furnished by the city and the city would get the benefit of the work upon it, thus turning it to profitable use, and that it would be a very good thing all around. Curbstones, for instance, should be cut in the stone-shed, and it would certainly serve to keep away so many able-bodied paupers as now stay there.

Q. (By Ald. LEE.) Was that a written communication of His Honor the Mayor to the Board?

A. It was addressed personally to Mr. Farmer. He wrote to him and said, "I wish the Board of Visitors would get the Commission to do so and so." Then, also, a great deal of labor could be utilized in keeping the institution spick and span. In keeping it clean you could use a great amount of labor. Dr. Cogswell says the institution is washed once a week. It didn't use to be before the Board of Visitors went there, but I understand that it is now. They used to mop the floors simply. If you want to keep people employed I don't see why you can't scrub the place every day. Heaps of people can be employed in that way. I was at Tewksbury last week and noticed how clean the dining-room was.

Everything seemed so neat about it that I could have sat down there myself with comfort, the food was served so nicely and the dining-room was so clean. You can employ a great deal of labor in keeping such institutions clean. Dr. Cogswell said that a place might be clean in the morning and might get dirty again in the afternoon, but with five or six hundred idle men there is no reason why you cannot keep the place clean. I have been down in the dining-room at Long Island and have seen the condition of affairs there in regard to cleanliness before the change was made. It has been cleaner since, but at that time it was simply dirty. There were half a dozen able-bodied men, slouchy paupers, sitting around doing nothing. I said to them, "You don't seem to be working very hard. What are you doing?" — "We keep the room clean." I said, "Well, it doesn't seem to be very clean." — "Why, we mop it up three times a week." I said, "Why don't you do it three times a day?" And the men laughed. "And," I said, "why don't you scrub it, and not mop it?" After the Board of Visitors' report was handed in I noticed the effect. I was down there just the day before the Board of Aldermen visited the institution and it was scrubbed up very nice and clean, and I asked what had happened, and they said the Board of Aldermen were coming down there. Then after Deputy Stinson came in it was kept much cleaner, being scrubbed instead of mopped, but only once a week. Men come in there dirty, right from out-of-doors, with dirty feet, and drop their food on the floors, and the result is that the place is very dirty. The best way to take care of institution floors is to use wax and turpentine, which gives a hard polish to the floor, and then when you get dirt on it, it will rub right off. It makes a hard surface and the dirt doesn't sink into it. It affords a great deal of labor in the schools of which I am trustee to prepare the floors in that way. The boys at Westboro' go over the floor in that way, and it is kept perfectly clean and everything smells sweet and nice. You can employ any amount of labor in polishing floors. Can use a great deal of inmate labor in that way. There is really no need of a stone-shed, but you might have one to scare away the loafers. I do not believe in work-shops.

Q Is there any other work you could suggest? Mr. Galvin suggested farmwork.

A. Of course the trouble with farmwork is that it is done in the spring and summer, when the able-bodied men are not there. At Tewksbury, I suppose, they couldn't carry on their large farm if it were not for the insane, and I should think that the farmwork done in the spring and summer at the almshouse would necessarily have to be done by insane patients or prisoners. It is very good to have the farm there and to employ the Deer Island men, but I don't think you could work it with paupers, who have the right to leave when the warm weather comes.

Q. Is the effort at Tewksbury, simply to have the people employed at productive labor, or to have them work?

A. To have them work.

Q. Regardless of whether the work is productive or not?

A. Yes, sir. I was down there last week and there was snow on the ground and no able-bodied men about the institution. I asked Superintendent Gile what the men were working at and he said they were at work on the land, and it was at that time not frozen hard, but was sloppy and muddy, and they were working around on the ground. In the room there that would correspond to Loafers' Hall there were only a few men around. The doctor gives a certificate as to what kind of labor a man is qualified to perform — whether light work, medium work, or full work. There are very few at Tewksbury, the physician tells me, competent to do a full day's work. They may look it, but they are broken down. There are some few can, but not very many. The physician investigates their case and gives them a certificate and lays out the kind of work they can do, and if there is any question about it, if the pauper thinks he is abused, as he may be apt to sometimes, one of the consulting physicians when he comes there investigates the case and gives his opinion as to what the condition of the patient is, so as to avoid the trouble of paupers feeling that they are wronged by their physician.

Q. Did you ascertain whether there was any difficulty in enforcing the labor prescribed at Tewksbury?

A. Oh, none. They have a lock-up which is used only occasionally — rarely, but the paupers know that it can be used.

Q. Is there anything else you want to say on the subject of compulsory labor?

A. No, I don't think there is.

Q. Then there has been some testimony as to the desirability of introducing some influences at the pauper institutions which would tend to build up character and in a measure to elevate the tone of the inmate. What have you to say on that?

A. Well, of course that is of the very first importance. Those men and women go there because they are broken down, because they are practically unfit — almost always on account of their character, sometimes through misfortune, very often through character and misfortune combined — to maintain themselves. A large number of them, most of them, are going back to the community again. They are there temporarily and back and forth, and it is surely of the greatest importance that those men and women maintained at the city's expense, who are to go back as citizens and take part in the life of the community, should be fitted to go back better instead of worse than they came there. But, of course, it is a personal matter with the superintendent and the officers to bring to bear those personal influences which will arouse the self-respect, ambition, and stimulate the characters of those people. Getting them into groups where there will be similar people in a group together and treating them accordingly is the first requisite. After that is done it remains with the superintendent, the ministers, the priests who go there, but chiefly with the superintendent and officers, to treat them in such a way as to make them better men and women rather than worse ones.

Q. Are there any practical suggestions that you feel like making on that subject?

A. Well, classifying them in day rooms, as I have said, also keeping the same sets of people together, keeping those who are better than others apart instead of having them mixed with the worst classes in the city, and that is one very important thing, making the rooms habitable, giving them something to occupy them, books, a good kind of literature to occupy themselves while they would be in there, and so on. I was told that the superintendent of the Temporary Home in Boston, who testified here a week or so ago, said that at his Temporary Home they had individual tables where three or four could sit together. That would be beautiful. I didn't think of that, but I should think it would make those people feel more civilized. You could keep the nicer ones from the nasty ones, and you could keep the better ones from being dragged down by the worse.

Q. He spoke also of the desirability of furnishing some entertainments, musical and otherwise, which they could attend outside of their working hours?

A. I should think that would be desirable, too, and that would be where the discretion of the superintendent would come in. With the right superintendent every thing could be done. It is a question of adapting means to ends, just to suit this set of people, and you cannot prescribe that at a distance. There is a woman at Long Island—if not there now she has been there a great deal—an able-bodied woman, able to earn good wages, with a husband who can earn eighteen dollars a week, and each of them live there. They have four or five children at Marcella street Home and one or two at Long Island. They are able-bodied and as well able to work as anybody in the city, and they are simply maintained year after year, themselves and their children by one department after another of the city. If they were put to work, of course, they wouldn't be so comfortable. I have seen that woman at Long Island, sitting there, strong and healthy, with a child in her arms, rocking, simply eating three square meals a day and rocking.

Q. You feel that work and discipline would drive her out of the city institutions?

A. Drive her out to earn her own living. If she won't leave she ought to be occupied while there, and if the work forces her out so much the better. There is a subsidiary matter, but still one that is very important. There has been talk about the children not getting out in the winter. Now, unless the ground is sloppy and wet in the winter it is not difficult to get children out. The difficulty in having them go out is not because of the air overhead, but because of the ground underneath. Dr. Cogswell speaks of the matter in his testimony and admitted that they hadn't been out for two months, January and February, and said that if any member of the Committee had been there during the two months he would know why. I was there a great many times during those two months, and there wasn't a day that wasn't fit for the children to be out at noon-time. At Monson we have a little place without y of it, sheltered on one side, and the children can be out all along. It is sheltered so that they can be kept from the

prevailing wind, and the result is that they are perfectly healthy and are able to get the air. By giving them a chance to be out-doors in that way they grow up in better health, grow up strong and well instead of stunted and sickly.

Q. It appears by a report read in evidence here, in reference to the complaint that the women did get out, the women in the infirmary or nursery department, that they wouldn't go out-of-doors, didn't want to go out of doors?

A. I daresay they don't; I presume likely they don't. They would much prefer to sit and rock. They are so lazy that they don't want to put their things on. But I don't think that is any reason for keeping the children in. I think the woman with two children at Long Island and five at the Marcella-street Home would be better occupied walking up and down the plank-walk outside instead of sitting doing nothing.

Q. Are there any other practical suggestions, Mrs. Evans, that you wish to make to the committee?

A. I don't see, when the women are all moved to Long Island, how with the women and the men there that place can be kept decent without putting up a yard for the women and men. These people have been accustomed to perfect freedom in going about the island. They don't seem to be able to make the inmates mind and do what they want them to do, and I don't see if they have perfect liberty outside, but what they can do about as they want to. I don't see how they will be able to keep the place decent without having yards, one for the men and one for the women. The question of passes is a very important one. I understand there is no difference of opinion as to the desirability of keeping the inmates from visiting the city at will. There seems to be some doubt in Dr. Cogswell's mind, and in Mr. Pilsbury's, and Mr. Galvin's minds whether it is possible to prevent the giving of passes. I cannot imagine myself why it is not. The only alternative is that if you refuse to give a man a pass he can take his discharge. But what if he does? A great many of the men would not take their discharge. It is not true that the paupers are quite so ready to leave. They have that black ball book at Long Island, and while they say every man is allowed to come back, they are not always allowed to come back. There is a little hesitation on the part of some of the people in taking a discharge. I understood Dr. Cogswell to say himself that he had refused passes sometimes when a man had been there a short time and desired a pass. So he has refused it at times, and the inference is that the man did not leave. They don't want to be discharged a number of times, and even supposing they were quite reckless about being discharged and coming back again, they could be convicted under the vagrant law. That law is, I think, in Chapter 209 of the Public Statutes, and there have been a very large number of cases where men have been convicted under that law, — men who have just gone back from the institutions, the almshouses, wandered around the community, and then have come back to the almshouse again. There have been a large number of convictions

in such cases. There has been one case, I am told, in Boston where a man was brought before the Court under that charge, and the Court refused to convict, but there may have been some special reason why it was not done. But if a man goes out and goes on a drunk and then comes back and then goes out again and repeats the performance, keeping that sort of thing up, because he is refused a pass, I should think there is good reason to believe that that man might be convicted under the vagrant law.

Q. (By Ald. LEE.) For getting drunk?

A. No, for coming back. Of course, he could be convicted for getting drunk, too, Alderman Lee.

Q. Not as a vagrant?

A. Drunk and vagrant combined.

Q. (By Mr. BRANDIES.) Did Dr. Cogswell cite any other instance where he refused passes, except where a man had been there a short time, in that way?

A. No; I said, "Do you ever refuse passes?" He said, "Sometimes," and I said, "In what cases?" He said "If a man has been here a short time and comes and demands a pass as a right, I sometimes refuse it." — I said, "You mean because he has come too soon?" He said "Yes." That shows that he feels that he has the right to refuse sometimes. The rule is to give them once a month or once in six weeks. That is their own rule, and they might rule that they should give one every week or every day, but they don't. They have made the rule that they may be given once a month, and certainly the passes would seem to me to be one of the most demoralizing things in connection with the present administration.

Q. Are there any other matters you wish to refer to, Mrs. Evans?

A. Well, the hospital has been a good deal talked about.

Q. About the board of consulting physicians?

A. There has been some discussion about that matter. Of course I haven't much of any right to an opinion about a hospital, but I know Dr. Putnam felt that a board of consulting physicians was valuable, even if they weren't called upon for consultation very often, because it placed the pauper hospital in communication with other hospitals in the land, and gave it the medical standards prevailing outside. The danger to institutions is that they are isolated from the main currents of life, and the competitions of society, which keep people to the front. They get rusty and old-fashioned, indifferent, not up to the times; and if they had on their staff the best people in the profession in the city they would have ambition, they would become unconsciously to themselves a part of the medical public, that is, the physicians are brought in contact with eminent physicians outside, and in association with the best practitioners of the city, and all this would tend to keep the institutions up to the times. They do come to such institutions as Tewksbury, also very often. I said to Dr. Gile, last week, at Tewksbury that it had been said here on the witness-stand that the consulting physicians there did not come very often. He said,

"Oh, that is all a mistake," and turned to another physician and said, "How often should you say they come?" This other physician said, "Perhaps twenty-five times a year." He said, "Twenty-five! I should have said fifty times, for they are here pretty nearly once a week." It is true that they call very often. I said, "Dr. Richardson says he has only been here once in several years." — "Why," said he, "he was here a short while ago."

MR. PROCTOR. — You claim that this is evidence?

MR. BRANDEIS. — The same as you put in.

MR. PROCTOR. — You rely on it?

THE WITNESS. — I am quite willing to withdraw it. Speaking for Dr. Putnam, because he is ill and cannot come, he felt that a board of consulting physicians was a very nice thing, as tending to bring the institution up to feel itself one of the medical institutions of society and to be in touch with the best learning of the time, and I don't see myself how that proposition can admit of a doubt.

Q. (By MR. BRANDEIS.) Anything else?

A. It was a great many times said that there were a great many chronic cases and cases of people who were simply old in the hospital, as if that showed that they did not need much nursing. I have had some experience with people dying of old age and I know that they need a great deal of nursing to make them comfortable. The nursing may not make them live, but the difference is that they may die in torture or they may die with a reasonable amount of comfort. There are a good many, quite a number of statements which Dr. Cogswell made in his statement, which were incorrect. I don't know whether the committee care to have them corrected or not.

Q. Anything that you deem to be of sufficient importance I would like to have you correct?

A. Well, a number of them are not very important; some not at all important in themselves. It simply comes down to a question of veracity. It is only valuable to refer to them for that purpose. He said, for instance, on page 2875, in regard to my second conversation with him, that "I never told Mrs. Evans that I did not remember having a conversation with Dr. Parker on the subject of ordering chicken broth, for I did. Mrs. Evans misunderstood me." Well, Dr. Putnam was with me, and Dr. Cogswell said that, and Dr. Putnam and I have spoken of it a number of times since. He said it distinctly, and I said, "Dr. Cogswell, it is impossible; you must have had the conversation. Dr. Parker wrote to me the next day in regard to it." He said, "No, I didn't." — "Do you mean to say that you never had any conversation with Dr. Parker on the subject?" He said "No, I may have talked with him at some time about chicken broth, but not in that connection, not last week," and he didn't refer to the conversation as he has here. It was then a week after, and it is now months after, and I daresay that his own memory may have got mixed up. But Dr. Putnam and I distinctly remember his conversation as given to us one week after the conversation occurred with Dr. Parker, and our memory coincides, because we have

spoken of it together. Then he says, "Every floor in the institution and hospital is scrubbed once a week." I understand that it is at present, but it was not when the report of the visitors was made last winter.

Q. (By Mr. PROCTOR.) What page is that?

A. The next page, 2876. He says, "Every floor in the institution and hospital is scrubbed once a week, swept from once to half a dozen times a day. The dining-room floor and halls are scrubbed three times a week." Well, they may be now, but that was not the case last winter. I don't deny that it is the case now. Certainly the building and the institution were very much cleaner last spring than in the winter when we first went down there.

Q. (By Mr. BRANDEIS.) What page do you say that is?

A. 2876. Then on page 2880 Dr. Cogswell says in reference to Dr. Parker: "I should like to have Mrs. Evans recall to her mind a certain conversation I had with her relative to Dr. Parker on her third visit to Long Island." I recall that conversation very well. Dr. Putnam was sitting near me. It was about the third time I had been to Long Island, and in my mind the physicians there—Dr. Cogswell, Dr. Parker, and anybody else, stood about on a level. I said to Dr. Cogswell, "What do you think of Dr. Parker? Does he give satisfaction?" Dr. Cogswell said, "I don't know. I haven't been very much pleased with Dr. Parker lately, because he has not reported to me the shortage of milk." That is all he said. He says here, on this same page, "When Dr. Dever left us I considered that Dr. Parker was entitled to a trial as first assistant, so he was appointed. Fearing, however, after some little observation, that, even as my critics say, 'He has a heart which is greater than his talent.' I took unto myself some duties for awhile which previously had not been considered necessary." Well, he took no duties to himself, as far as I have been able to discover, until May. During the winter when we were down there Dr. Parker was in entire control of the hospital. I never heard that Dr. Cogswell interfered at all at that time, and it was in May, after the investigation got well along, after Dr. Parker had been on the witness-stand, that Dr. Parker told me that Dr. Cogswell had displaced him in the hospital. But before that Dr. Parker had had a free hand there when the Board of Visitors were there. A part of the time Dr. Cogswell was sick, to be sure, but he was not sick all the time. Then Dr. Cogswell says on page 2884: "Dr. Putnam has said that our supply of instruments was small. I have not any doubt that the instruments he was shown were few in number, and with a purpose." I was with Dr. Putnam when he looked at those instruments. The week before I had been in the operating-room and had looked at them myself. It so happened that when I looked at them I pulled open all the drawers and cupboards so that I could see them all, and Dr. Putnam saw them all, too, because I saw them with him. Now, there are a number of little things like that that I have made notes about. I don't know whether the committee care about them. They are trivial, small matters,

and I don't know that they amount to much in themselves. I don't know whether the committee want me to go through them or will simply take that for the whole.

Q. (By the CHAIRMAN.) The committee are ready to hear anything you may offer.

A. I don't care. It is only a question of veracity — he says one thing and I say directly the other. You have simply got to make up your minds what you will believe, because we are not both speaking the truth in a number of cases. In a number of cases he says one thing and I say the other. Dr. Cogswell talked at very great length about the denying of requisitions, and showed from his own books and papers that there were very few requisitions denied. The denial of the requisitions that I heard the most about, were those that the doctors made upon the storerooms of the institution. They would order the things from the storeroom and they wouldn't be given out, and everything seemed to be slack, and the doctors and nurses seemed to be out of gear, asking why they didn't get them, and the requisitions didn't appear, and I spoke to Dr. Cogswell about the matter, and he said that yes, there was trouble. I was told there that there was constant complaint in regard to shortage. We heard that everywhere — that there wasn't any lack of supplies at the island, but that the supplies weren't given out. Dr. Cogswell said in his statement, "To show that I do not discourage the use of expensive drugs when they are the best know for the purpose," — and then he gives a lot of statistics.

Q. (By Mr. PROCTOR.) On what page?

A. 2886. I am told that the drug he makes so much flourish about as costing \$102.40 a pound was bought in exceedingly small quantities. So that it may be agreed that it is not expensive. However, I need not speak of that. Then he speaks about the lights, on page 2887. I don't know that I care whether they have electric lights or gas, but I should think they could put shades over the electric lights at night so as not to discommode the patients. Then on the next page he speaks of James Murray, and says he was entirely familiar with the cases at the hospital. I think if that had been the case it would not have been possible for him to cut off James Murray's milk. If he had known about the case it could not have happened, if he had been a constant attendant at the hospital it could not have happened, because he would have known his serious condition.

Mr. PROCTOR. — This by the way, is mere argument.

The WITNESS. — Well, you can leave it out. But that is a fact — he admits that James Murray's milk was taken away.

Mr. PROCTOR. — I don't understand that he does.

The WITNESS. — Did to me personally, anyway, in conversation.

Mr. BRANDEIS. — He admits it there, doesn't he?

Mr. PROCTOR. — No, not in his argument, as you call it.

The WITNESS. — I think he did in personal conversation with me. He says on the page before: "In regard to changing diets, to make them plentiful or for any other reason, prior to May 29, 1894, when I assumed active control of our patients, I never had

done it but once, and that was on August 16, 1893, when it was done in a perfectly proper manner."

Mr. BRANDEIS. — He says also that if it was done — he doesn't deny that it was done.

Mr. REED. — He didn't say that he did it, however.

The WITNESS. — I think there is no question that it was done and on that day, August 16, and all Dr. Cogswell said was that he had not meant to do it. I gave that in my testimony. Well, if he had been familiar with the patients he couldn't have done it. He says on the same page: "The cut of August 16, could not have been made in the interest of economy, as far as milk was concerned, for at that time we had much more than we actually needed." Nobody questioned that there was enough, and I understood that there was milk on the island, and that the patients did not get it. Of course it wasn't economy, it was bad management. Then on the next page, 2889, it says in regard to the burying, that "When we first began to bury I told the deputy, Mr. McCaffrey, as I have every deputy since, that he was to have the entire charge of burying bodies and be held responsible for it; that he was to go to the cemetery, see the bodies placed in the graves, take the numbers, come back and give them to the clerk, whose duty it was to enter the facts in the burial book." Well, the day Mr. Farmer went down to the graveyard, and saw those three bodies lying uncovered, he spoke to Smith the deputy and I talked to Dr. Cogswell afterwards about it, and I think neither of them said it was Smith's duty to have been there or have looked out for it. Smith said, "I told the inmates to bury them," and it was never claimed at that time that it was the duty of any officer to be on hand. Farther on in the same paragraph Dr. Cogswell says in reference to those graves not covered in: "Wasn't it because one of the men ordered to fill the graves had told him they had not done it, knowing that the deputy could hardly find it out before morning?" Of course if it was the deputy's duty to be on hand to see that it was done, he could have been there. These things are so small that they seem hardly worth speaking about. Then Dr. Cogswell gives quite a lengthy explanation on page 2895 of the apparent confusion between the death records of Long and Rainsford islands. He explained his books here in a way that showed quite clearly how that had arisen at the time, as referred to in our report. We said there was apparent confusion in the records of Long and Rainsford islands, but the fact was that at the time Dr. Cogswell did not know it, and when he found out he had it rectified. I think his testimony shows that previous to the first of January he was not conversant with the way the books had been kept, and when he found out he started a new set of books to straighten it out. So all the explanation of how it happened was not to the point. We had said in our report that it happened because of confusion of the records. He says on page 2899: "Mrs Evans testified to considerable extent on our conversations on the milk question. She never seemed to me to be able to understand it, or able to grasp the fact that trouble over the milk supply could come from more than one cause."

I certainly did have a very hard time to understand the matter. I think I can understand a plain statement, but I did not get a plain statement until Dr. Cogswell made one before the committee, and that did not agree quite with his statements made to me. The first time I talked with him about the milk was January 1. At that time he said to me he didn't know what the trouble was. Now he gives several explanations here of what the trouble had been previous to January 1, and said he had corrected the trouble finally on December 27. I have no doubt he had, but he said to me on January 1, that he didn't know what the trouble was. I asked him to show me his records, to see if I could find what the trouble had been. He showed me the blue slips you have seen here, the slips for December, which showed very frequently a shortage in the milk delivered at the hospital. I commented on that and said, "Let me see the slips back of December," and he said that previous to December it hadn't been recorded on the slips what milk was delivered; but apparently he had it recorded, because you have had the slips here. But he told me he didn't. I didn't look through the records to see whether he was telling the truth, because he said he had no record of it. Then on page 2899, speaking of the Board of Visitors, he says that "their combined stay was only fifteen hours and five minutes." It seems to me that that is a good stay and that people can find out a good many things in that time. On the same page he says: "Mrs. Evans testified to considerable extent on our conversations on the milk question." Oh, I read that, I beg your pardon. Of course there is no use fighting about these milk statements of Dr. Cogswell. He undoubtedly had a good deal of trouble about the milk, and conceded that he had trouble. But the fact remains that he has made statements about the matter in half a dozen different ways, and he has patched the thing up here so that it makes a coherent and consistent appearing story. It does not agree with what he said to me, however. What he said to me was that there was some trouble and he didn't know what it was, and he said a week later that he had always known what it was. I presume he had always known, but he didn't think it worth while to explain to me. Then on page 2901 there is a difference between Dr. Cogswell and myself as to a date, the 20th or the 22d of March. Dr. Cogswell was correct in that matter and I was incorrect in the date. It was apparently the 22d that I had that talk with him. I have found a letter which shows apparently that it was, so I am incorrect there. Further down in that paragraph, talking about flannel, he says, "If there was any question in her mind as to the issuing of the flannel why not go to our book herself and find the true facts, or else say nothing?" I did what I thought was much better. I went direct to the superintendent himself and asked him. The fact was that I was down there on the 8th of January going through the women's infirmary ward and they told me they had no flannel, and I went and spoke to Dr. Cogswell about it and he said it had been given out, and I said the matron said she had ordered the flannel, but that it had not been given out. Then Dr. Cogswell told

me that it would be given to them. Dr. Cogswell in his report says that it was given out January 8, and the fact is that I asked for it January 8. The difference between us is that Dr. Cogswell says it had been given out at that time, January 8, and I say it was on the 8th, that it may have been that same afternoon. Then he says, "I don't believe any one is fitted to be on a Board of Visitors who will go around telling the subordinates in an institution that she is going to make the superintendent smart for what he has said." I never made any such remark to anybody — never; "who, after being legislated out of office, will go and ask officers if they have any reports to make to the committee." I never did that. After I had been, so to speak, legislated out of office I did go down to Long Island, because I had a very good reason to go if I told you all about it, but I won't bother you with that, and I walked along with Mr. Stinson, the deputy, with whom I was on very friendly terms. The reason I went down was because I understood there was a very base plot — I can call it nothing else — against Dr. Parker's character, and in walking up to the hospital with Stinson he said to me in a very meaning voice, "You had better take care not to believe all that you hear down here." I said, "I am quite well aware of that fact." He said, "You had better be careful and not believe too much." I said, "If you have anything to tell me, Mr. Stinson, I will be glad to hear it." He said nothing, and that is all my conversation with him after I was out of office. This goes on, "who will take the word of a criminal inmate against an institution in a matter susceptible of proof, without looking up the facts." I never took the word of any inmate upon any subject — a criminal inmate or otherwise — without looking up the facts. In fact, not one thing that the Board of Visitors testified to either on the witness-stand or in the special report of February 16, or in their final report, rested on the testimony of an inmate.

Q. (By Mr. BRANDEIS.) How far does it rest upon the testimony of Dr. Parker and Mr. McCaffrey?

A. Rests upon the testimony of McCaffrey not at all. McCaffrey came to see me once at my request. I sent for him. I then took him to see Dr. Putnam, so he saw him that same night. I then asked him to go and see Mr. Farmer, and he called at my house and told me he had an engagement and couldn't, and I saw him once in a while in the street, and that is all. None of the other members of the committee saw him at all.

Q. At what time in the investigation of the special committee was Mr. McCaffrey seen — the beginning, middle, or end?

A. Sometime in January I saw him first, and I didn't see him again until I saw him several times in the street, and we decided that, as long as he had left the island before we began to investigate, it was not worth while to bother with things he couldn't testify to that had been before our eyes. Then the only thing that really rests on the testimony of Dr. Parker is the fact that inmates were discharged in a contagious stage of disease, and Dr. Cogswell says they were not. With that exception there is nothing that rests on Dr. Parker's evidence, except with corroborative evi-

dence of other people. In regard to every other thing that Dr. Parker testified to we also had the evidence of Dr. Dever, Dr. Sullivan, Dr. Murphy, Dr. Noyes, Mr. Morphy, of all three nurses, Mrs. McKenney, of the infirmary ward; Miss Thayer, of the nursery ward, and a woman whose name I have forgotten, and Dr. Putman talked to the cook in the hospital. We had the records of Dr. Cogswell, and had his own statements, and had our own eyes to see things. Dr. Cogswell says I took the word of "a criminal inmate against an institution in a matter susceptible of proof, without looking up the facts," and that I refused "to tell the superintendent of charges made against him at a time when witnesses were handy to refute them, knowing full well that at another time these same witnesses might not be within reach." Well, the only report that criticised Long Island in detail was made February 16, and as far as I know, everybody there had been there during our time. I don't know of any changes at all that had taken place there.

Q. You did talk with Dr. Cogswell about various matters?

A. I talked about everything I could. He was sick a good part of the time. I had great long lists of things that I tried to get him to answer, and I would ask him about something and he would give a long answer, take a long time to say it, and then not answer the question, and I tried in a polite, conversational way to bring him back to the point, and I found it was very hard to get him to give exact information, and the next time I would ask him he would say something different. His answers seemed to be given with a view to shutting us up, and it was very difficult to get anything out of him. Then I had a long list of thirty-two questions that I wanted him to answer, and I knew he was sick, and I got his wife to let me speak to him for a few moments. I felt like a perfect brute, that it was dreadful, because the man was sick, and then I asked him in regard to the matters under discussion, and would have asked him more if they had occurred to me at the time. I said, "Dr. Cogswell, I want to go around and have an opportunity to see things as they are here. I shall listen to everything that is said to me and try to bring everything that is said to me to you." It was my idea to go around his institution just the same as I would like any one to do if it were mine, and come to him for an explanation. When I first heard in regard to the flannel, I came to his office straight. I did not look at the books, but came to him direct. When I heard about the milk, I called on him directly. When patients complained about the hospital, I went to him and tried to get his explanation every time. He says on page 2901, "In talking with the Board of Visitors I may have erred in not entering into minute details." He certainly did. "They seemed, however, not to be especially desirous of talking with me, but preferred to get their information elsewhere." That may have seemed so to Dr. Cogswell, but I certainly was very desirous of talking to him and learning from him all I could. I would like to have talked with him more, but I got very little satisfaction. He reads a letter which makes me seem ridiculous. I felt silly when it was read. But the fact is I did not notice whether there was

gas or electric light in the building. The fact is that I was speaking about their being left in darkness there and asked for an explanation from Dr. Cogswell and Dr. Jenks. Dr. Cogswell, I think, said they turned it off at night on account of the inmates, and Dr. Jenks assumed that there was water in the gas, and I assumed that it was lit in that way and spoke of it. Some one spoke of it being lighted by gasoline, and I didn't know but the gas-pipes might be out of order. I am not a very good observer of such things. It was a pretty stupid letter that I wrote, awkwardly expressed, and I felt cheap, I must confess, to think I had written such a stupid letter and so stupidly expressed. But what I want to say is that in no case have I relied upon what has been said by inmates. I have listened to what they said and have never treated it as evidence. Mr. Reed in his opening argument said the Board of Visitors had received letters and daily visits from people at the islands. I received two visits and one letter, and no other member of the Board, as far as I know, received any. Mr. McCaffrey did not seek us with his testimony. We sent for him once at my request, and he couldn't go to see Mr. Farmer. He did not seek us at all. Dr. Parker did not seek us. After I had been a member of the Board of Visitors for about a month, and had visited Long Island, I sent for him and asked him some questions, and Dr. Putnam wrote and asked him to call on him. When I first saw Dr. Parker he was very reserved and didn't say very much. He answered the questions apparently candidly. After going down there several times on the boat I used to meet him and talk with him going down, and got a good deal out of him. But he was not at all in the attitude of one desiring to give information. It was only when the Board of Visitors had been in existence for about a month or six weeks that we could get any information out of him. We went to him and we went to Dr. Dever and Dr. Sullivan, and he answered the questions as other gentlemen answered them. From the fact that Dr. Parker was there and Dr. Dever was on another island, and Dr. Sullivan had left, naturally we relied more on Dr. Parker. Mr. Brandeis asked Dr. Cogswell how he accounted for the general dissatisfaction among the officers down there, and Dr. Cogswell said he could not admit that there was, because he didn't know what the various officers had said, whether they had made statements that showed dissatisfaction. They did make statements that showed dissatisfaction, almost to an individual. They none of them sought us with complaints—not one. When we would go to them and ask questions they would answer them. Their answers were generally of a nature that showed that things were not as they ought to be, and they were in the attitude "How can we help it?" Mr. Parmelee, Dr. Cogswell said he knew he had a reason for testifying as he did, that Mr. Parmelee had a grudge against him. Mr. Parmelee told me frankly what the grudge was. There was another officer who came and spoke to me, Officer Forger, and he said very frankly, "I have a grudge on Cogswell," as he expressed it. But the others didn't speak in the way of having a grudge or as mak-

ing any complaints, but they were dissatisfied, disgruntled, everything seemed down at the heel. That seemed to be their attitude. They just seemed to be going along, and seemed to be in the position of its not making much difference what they did, that the institution was being run on the principle that anything was all right for paupers, and if things were not right why should they be right in an almshouse. Usually in an institution the people will hang together and don't want people outside to criticise them, and the lack of that was very noticeable in this institution. I have been around a good deal to different institutions. Between fifty and sixty visits have been made by different members of the Board of Visitors to different institutions, and in other institutions we did not hear such complaints from inmates and officers as we did at Long Island. There may have been lots of complaint, but they didn't tell us about it. The difference was noticeable at the Charlestown Almshouse. When I would go around an institution and see the inmates, with Mr. and Mrs. Eastman, they would take occasion to leave me alone with inmates. They would speak to the inmate and say, "If you desire to speak to this lady you may do so," and Mr. or Mrs. Eastman would walk on and leave me with the inmate alone. It was entirely different with Dr. Cogswell. He stuck at my elbow—that is, when he was well and able to get around. When I was going around with Mrs. Eastman she would speak to an inmate and say, "If you want to make any complaints or if you want to speak to this lady, you may do so," and would walk off and leave me with the inmate alone. That made a good impression upon me, and in the Charlestown Almshouse I was very favorably impressed by what the inmates said to me. They showered nothing but blessings upon the superintendent and his wife. Mrs. Eastman would go in and say, "Good evening! How are you feeling this evening?" and she would talk to the old ladies in a friendly manner, and they evidently thought the world of her. The same inmates who complained at Long Island, when at the Charlestown Almshouse would praise the superintendent and his wife and their treatment there. For instance, Doran and Simpson and three women with whom there was a good deal of trouble in the nursery at Long Island were over there. Doran said, "We have nothing to complain of here. It is a good place. The inmates work a great deal more here than at Long Island, and there is nothing to complain of." Simpson, that notorious complainer, said the same thing. The three women who had been at Long Island and who said they had been badly treated there were entirely different at the Charlestown Almshouse. I was on the side of the officers, and I said, "I think you women ought to be ashamed for acting the way you did at Long Island." They said, "Well, we don't have any trouble here—we are very well treated here." I said, "I don't think you have acted as you did at Long Island."—"Well, we are treated better than we were at Long Island." Early last summer, however, I got a letter from Simpson saying that he was abused. Poor Simpson can't live without making complaints. He is a chronic grumbler. After he was at Long Island he was sent to Charlestown and was all right

for awhile, and then began to make complaints again. He complained to me. I said, "I don't believe it." He said, "You speak to Doran, and he will tell you the same thing." I did, and Doran said, "I have no complaints to make." I don't think there were any complaints at Charlestown or any at Rainsford. Of course, in regard to the different prisons, you are not free to go around among inmates, prisoners, as you would in an almshouse, and I hadn't much opportunity to go around among the prisoners and find out. Dr. Putnam did go around with the Board of Visitors one day to the House of Correction, and said that Colonel Whiton had no objection to his talking to the prisoners. He talked to one in the basement there, who was working, and who said, "I have nothing to complain of. Those who get into trouble deserve it, and those who act well are treated well." One ex-convict who came to talk to Dr. Putnam a short while ago said the buckets were not kept very clean, but they were kindly treated, and all those who got into trouble deserved it. I say that does not show that there was or was not reason to complain; but I say it shows that the Board of Visitors did not go around stirring up complaints, and that the state of affairs at Long Island, where there were so many complaints, was exceptional. At the House of Correction Colonel Whiton acted courteously and with perfect candor which would lead me to rely on his word and his statement. If Colonel Whiton made a statement, I should not look around much to verify it. He told me a lot of things that I wouldn't have found out for myself, as he knew perfectly well, and he volunteered the information. When I asked to see the punishment book and other books, they were shown without hesitation. He said, "Certainly," and went and got the books and took the trouble to show me different things in the punishment book, and so on, and I found that seventy-five or eighty per cent. of the inmates were never punished at all, according to his books. There was not a shadow of hesitation, and he told me lots of things that I never would have found out myself. I certainly should have the greatest confidence in anything that Colonel Whiton should say, on account of the perfect candor with which we were treated. It was the same with Mr. Gerrish, at Deer Island. He told me lots of things that I never could have found out in regard to the institution. I suppose, of course, it must have been perfectly horrible to Dr. Cogswell to have us down there. He must have found us very objectionable. I don't believe the other superintendents of the institutions found us objectionable, and I know that at the Marcella-street Home we were greeted with pleasure. Of course, at children's institutions, they like to have visitors come. It amuses and entertains the children and helps the officers and the school teachers. There are young ladies from Boston, volunteers, who go and visit the institution out there every week, and they are always extremely glad to have people come from the outside. And at the other institutions I don't believe any of them found the Board of Visitors a source of trouble in the institution. I know that some of them, whose names I will not mention, found the Board of Visitors a help in getting

what they thought ought to be done attended to. I know that is a fact. But certainly we did not go around trying to make trouble, and if we did make trouble, I think the explanation does not lie in the fact that the Board of Visitors tried to make it. The part the Board of Visitors have been called upon to play at the investigation has certainly been a very ungracious one. The attitude we have taken has been, without exception, an attitude we have felt obliged to take. Our relations with the Commissioners have been friendly, and I want to reiterate that we have been treated with unfailing courtesy by the Commissioners in every way. I met Dr. Jenks a few weeks ago and he said, "Why don't you come down to see us at our institution?" And Mr. Pilsbury said the same thing. They have treated us with unfailing courtesy. Now, the nineteenth century is pretty nearly closed, and when people look back to see what it has done it will appear that one of the most striking things in this century — certainly to my mind — will be the new thought that has been brought to bear on charitable subjects. In a democracy, people cannot be content to live in luxury while others are in squalor. We know that we are all born free and equal, and we should try, and it is the tendency of our time to try, to work in the direction of that freedom and equality by doing all we can to help and succor our fellow-men. In the generation that has come up charitable principles and charitable work are recognized that did not obtain twenty-five or fifty years ago; and it would be useless to expect that a man, for instance, in middle life, like Dr. Jenks, whose charitable experience and training has been tinged with the thought and the methods of the past generation, should run the institutions in the way that modern thought would demand. I think it should be borne in mind that it would be almost impossible for a man of his age and experience in the past, who has not been brought in contact with the modern ideas in regard to charitable work, to look at matters differently. People may say that he should look at such things in an enlightened way, but what man who has not grown up with the new thought could administer and carry out that new thought? Perhaps it is not my place to say this, but I have been treated with the greatest courtesy by Dr. Jenks, and I am glad that I am in a position to say many pleasant things about Dr. Jenks. I say what it is only fair that I should say, because I frankly admit that if I had been a Fire Commissioner and on half a dozen other commissions and had been engaged in mercantile life for fifty years and then became connected with the running of institutions I would not feel that I was competent to deal with the questions which arise aside from buying and selling. I feel that it requires one of those in the present generation to improve things, in accordance with the spirit of the present time in which intelligence is brought to bear to try to cure instead of relieve. Taking the State institutions, it is hardly more than twelve or fourteen year ago that we had the investigation of Tewksbury, which was then a scandal in the land and which is now a model. Twelve years ago there was an investigation of the Westboro' Institution, of which I am trustee. The place was made all over, new buildings put up, everything was

started over again, and you wouldn't know that the place had any relation to the past. Eighteen or twenty years ago Monson, of which I am one of the trustees, was a horrible place. They appointed a Board of Visitors who went to the institution and who said to the superintendent, "Your children are starving." The superintendent said, "They don't look very sleek, do they?" That was Monson twenty years ago. In the olden times, fifteen or twenty years ago, things were not done as they are done now, and there are to be even greater changes in the future. Because we say that Boston's institutions are a little behind we do not mean that anybody has been criminal or has meant them to be behind at all; but we simply believe that they should be carried on in a line with modern thought in charitable work, and that after they are once started they will go on and that will be the last of the trouble.

Q. When did the reform at Tewksbury start?

A. I don't know. It was before I was interested in charities sufficiently to know. I should imagine that it was about 1880.

Mr. RILEY. — The investigation was in 1883.

The WITNESS. — Then it was more recent than I thought. A new board of trustees was appointed, and they appointed a new superintendent. Since then the institution has been coming up and up, and has been getting better every year. I was down there a year ago, and this year it is better than it was last year, and I have noticed new improvements every time I have been there. I hope the Boston institutions are going to follow in that same track.

CROSS-EXAMINATION.

Q. (By Mr. PROCTOR.) Then I understand the only complaint you make, as far as your personal treatment is concerned, is in reference to Dr. Cogswell?

A. I have no complaint against Dr. Cogswell as far as personal treatment is concerned, except that he seemed not to be frank. I have simply said —

Q. Well, you have no complaint. That is a complete answer to the question. The prosecution in this case is drawing to a close, and I understand that they are anxious to have all the time they can. I do not care about taking up any more of their time than I am obliged to do, and if you will answer the questions directly I shall consider it a favor.

A. I will try to do so.

Q. I understand you to say that the only official against whom you have any complaint personally to make is Dr. Cogswell.

A. Yes; but I would like to explain —

Q. Having answered the question, I have no objection to your explaining.

A. The complaint is not against him on account of personal discourtesy, but with not having met the inquiries of the Board of Visitors frankly and not having told them what seemed to me in answering the questions right to be told.

Q. Did he refuse to show you the records?

A. No, sir; but he did not do as Colonel Whiton —

Q. I beg your pardon. You have answered the question. Did you ask to see the records?

A. I did ask to see the records.

Q. Did he refuse to allow you to see the records?

A. Showed me some blue slips, records.

Q. Did you ask to see any others?

A. He said he had no others.

Q. Is there any record he refused to show you?

A. The record he showed the Board of Aldermen he refused —

Q. Did he refuse to show them to you?

A. Said there weren't any such.

Q. Do you know that at the time there was any such record?

A. I supposed there was not.

Q. But you say the doctor did refuse to show you something he had?

A. He did.

Q. Well, do you say that unqualifiedly?

A. He said there was a lot of blue slips, but I didn't unroll them, because he said there was no record on them of the amount delivered, that the only record was the amount ordered, and I took his word.

Q. When was that?

A. The first day of January, 1894.

Q. Did not the doctor tell you, Mrs. Evans, that up to December he did not put on the blue slips the amount of milk delivered at each meal?

A. No.

Q. He never told you that. Did he not tell you that previous to that time he simply put on the slips the amount of milk for the entire day?

A. I didn't understand that or don't remember what he said.

Q. You wouldn't say?

A. I say I don't know whether he did or not.

Q. You say now that you would not be able to say that he did not say to you that previous to that time he simply put on the slips the amount of milk for the entire day?

A. No, I cannot swear to what he said that he did put on there.

Q. Then he may have told you that?

A. He may have told me that.

Q. And you may have forgotten that, or you may have misunderstood him?

A. Yes, sir; may have misunderstood him.

Q. So it isn't safe, as you judge, as a matter of recollection, for you to say absolutely that when those blue slips were shown to you he did not make such a statement. which would, in your judgment, make it unnecessary for you to look at them?

A. No, sir — he did make such a statement as made it unnecessary to look at them, because he said they didn't bear the record I wanted to know.

Q. But didn't he tell you that before the first of December he

had not been in the habit of putting on those blue slips the amount delivered at each meal?

A. No, sir; he didn't.

Q. Do you say that with certainty, or are you not certain whether he did or not?

A. I think I can state that with certainty.

Q. Then you are more certain of that than of the previous question?

A. Well, Mr. Proctor, I would simply say —

Q. No, pardon me. Answer the question. I am putting these questions in my own way; please. I understand that you are not certain that he did not tell you that previous to December he simply put on the blue slips the amount to be delivered for the entire day?

A. I know he did not say that.

Q. But a moment ago you said you were not certain of that?

A. I misunderstood you, then. But I would say —

Q. Pardon me —

A. I was not certain, but I thought you said his claim was, that previous to December he put on the lists only the milk ordered. But I say I cannot swear what he said he put on the slips. I can swear he said that they were not recorded in such a way as to show what I was seeking to discover in regard to the milk delivered.

Q. That is, you cannot say now, can you, that he did not make some statement which made an examination of the blue slips before you unnecessary, because it gave you the information you sought?

A. I can swear that.

Q. I understand you to say that you didn't examine the slips, and that you cannot say he did not tell you that previous to the first of December he had only put on the slips the amount delivered during the entire day?

A. That he only put on the amount delivered during the day previous to the 27th of December, that after that he made a record showing how much was called for for breakfast, dinner, and supper, but that the other record was during December, and gave the gross amount called for and received.

Q. But not showing the amount for each meal?

A. No, sir; that started December 27.

Q. After that the amount for each meal was kept?

A. Apparently, as I saw the records here. But he didn't tell me that January 1.

Q. You are very sure about what he did not tell you, but you are not sure about what he did tell you?

A. I am very sure that the only thing I looked at on the slips was the amount ordered and the amount received.

Q. Are you more sure now than you were five minutes ago?

A. Always sure of that fact. What I looked at was the amount ordered and the amounts received. I looked at slips only for December, and I said, "Let us go back and look at the slips before December," and he said, "The slips before December will not give you what you want, because I have not found before that any record of the amount delivered."

Q. That is what I thought.

A. Now, you think you are catching me.

Q. Oh, I don't want to catch you.

A. I think there is nothing you would like better.

Q. You are entirely in error. There is nothing farther from my thoughts, I assure you.

A. Either I have not understood you or else you are.

Q. All I am looking for are the facts.

A. On December 27, as I saw by the tickets here, Dr. Cogswell started new records. Previous to December 27 he made a gross record of what milk was received. I say that then he said he had no record which would show me previous to-December whether there had been any shortage of milk or not.

Q. That was exactly what I asked you about some time ago — that he told you previous to that time he simply put on the slips the amount of milk for the entire day, and you said you could not be certain that he did not tell you that.

A. I beg pardon.

Q. Didn't you say so?

A. What I said to Dr. Cogswell was, "Let me look at the other slips and let me see how it was before December," and he said, "The other slips won't do you any good. On these other slips I have not got the record of what milk was received. This is a little plan of my own that I started December 1 to try to gauge what the shortage was," and I did not go back and look. I took his word, which I would not have done if I had known more.

Q. He stated to you what the plan was?

A. He stated that that plan was during December, and when I asked him about how it was before December he told me they didn't contain the information I wanted.

Q. Then he did tell you something about the scheme?

A. Didn't explain it. He said, "Oh, these other tickets haven't got that," but whether he said what they had got I couldn't tell you. I couldn't give you the explanation of what he said those tickets previously were used for. I simply threw it aside and did not note it, because it didn't bear on the question of shortage of milk, which I was after. I had just as soon have Dr. Cogswell ask the questions, if he wants to.

Q. I couldn't charge Dr. Cogswell for asking his own questions.

A. I guess he would just as lief pay you for it if you would give him the chance.

Q. Well, was there any explanation, Mrs. Evans, by Dr. Cogswell to you of the plan which you say he said he had adopted?

A. He said —

Q. That is a simple question — was there an explanation by you to him?

A. An explanation of what he showed me regarding the milk? No, sir.

Q. Then there was an explanation?

A. Well, there really wasn't a direct one.

Q. I am asking you now what Dr. Cogswell said — not your reference as to whether it was true or not. You say now that he did explain to you his plan?

A. He showed me the blue tickets and said the record of the milk received was a little plan of his own which he started in December, because there had been so much trouble.

Q. He explained about that, told you what it was, his purpose and the method?

A. His method was recording the milk received.

Q. He did tell you that?

A. That wasn't the true method.

Q. That is your opinion.

A. No, sir. I saw the tickets myself, and December 27 he started a record making three different items of milk received. He said on cross-examination that he stopped the shortage of milk by sending officers to the kitchen and getting it instead of inmates, and began doing it December 27, and that then there was no shortage. He could just as well have told me so.

Q. And you complain —

A. Of a lack of frankness on his part, giving me a partial explanation, not a full one.

Q. You don't say it was incorrect as far as it went?

A. Yes, sir; it was inaccurate, when he told me on January 1, that he didn't know what the trouble was and then said, yes, he knew what the trouble was, and that he stopped it December 27 — that he had found out the trouble then and stopped it. It stopped then, anyhow. I will say that I don't complain of any lack of courtesy on Dr. Cogswell's part or on the part of the Board of Commissioners towards myself. I rather complain of a lack of candor on Dr. Cogswell's part.

Q. Then so far as you are concerned all the officials have been, as you deem it, sufficiently courteous to you?

A. I think they have been more than sufficiently courteous — amply courteous.

Q. And the statements made with regard to Dr. Cogswell you withdraw as far as concerns his lack of courtesy?

A. Yes, sir — simply lack of candor. I will say that I have no reason to believe that Dr. Cogswell intended to make wrong statements to deceive us. He intended simply to shut us up and get rid of us.

Q. He didn't intend to mislead you at all?

A. I don't say that, but I have no right to say that he did.

Q. You had talks with him?

A. I had a great many.

Q. And you now say you think he had no intention to mislead you?

A. I don't think I have a right to infer what his intentions were.

Q. You have already said that you didn't think so?

A. I don't think it is necessary for one to infer.

Q. Didn't you say within a moment that you thought he did not intend to mislead you?

A. I didn't intend to say that he did not intend to mislead us. I meant to say that he did not have a desire to enlighten us, and simply would give us a partial answer, put us off with anything,

whatever came handy to say. If he had a plan to mislead us the best way to do would have been to send in his own requisitions.

Q. By "requisitions" you mean the requisitions on the Commissioners?

A. I shouldn't have said "requisitions"—I meant the blue slips.

Q. You mean the milk slips?

A. If on the first of January, in explanation of the matter, he had said, "There has been a good deal of trouble from shortage of milk, and you can see by these blue tickets here what it has been, what it has amounted to, and here is what I have done to remedy it since December 27, the officers themselves have been sent to get the milk, and there hasn't been any trouble," I should not have asked another question. But the trouble was that I had to go to Dr. Dever, Dr. Sullivan, Mr. Morphy, Dr. Parker, and everybody. Dr. Cogswell would not give an explanation that was at all satisfactory. But it would only be partial and haphazard. That is the kind of explanation he gave me in regard to the flannel.

Q. Well, you know we are now talking about the milk?

A. All right.

Q. Is there anything more you wish to say on that subject?

A. Just a remark about the flannel.

Q. Well, we will get to the flannel by and by.

A. I repeat what I said before, that while he wove the statements which he made to me about the milk and which I quoted on the witness-stand into a seemingly consistent statement they were not to me consistent in the way in which they were made.

Q. Then you think his statement made here was a consistent statement?

A. Apparently consistent with itself, but not with the facts.

Q. But you say that it is an apparently consistent statement?

A. I think the way he put it here it was perfectly splendid. I almost believed it myself when I read it. It must have been written by a master mind.

Q. I think so.

A. I have admired it ever since, too. Whoever wrote that was a very able man, Mr. Proctor.

Q. You say that Dr. Cogswell used to go over the institution with you, and used to stand near by when you were going about?

A. The first time and the last time he went with me. All the times between I went alone.

Q. Did he offer any opposition to your going over the institution alone?

A. No.

Q. Then the statement which you made that Dr. Cogswell differed from Mr. and Mrs. Eastman in that he seemed disposed to keep as near to you as possible when you were talking with the inmates certainly did not apply to any of your visits to Long Island, certainly to none except the first and last ones?

A. Those were the only ones that he had a chance. I usually told him that I wanted to be alone.

Q. But the other times he did not insist on going about with you?

A. Couldn't have.

Q. But he didn't?

A. He was abed part of the time and couldn't have.

Q. The times he was sick abed I suppose he couldn't, but he could the times he wasn't sick abed?

A. Yes, sir; and those times I said, "Dr. Cogswell, I prefer to go alone." But the first time, Mr. Proctor, Mr. Coakley, one of the inmates, spoke to Miss O'Sullivan and said, "I want to see Mr. Farmer or Dr. Putnam." I said to Mr. Farmer, "Let us go back and speak to the inmate and let Miss O'Sullivan keep with Dr. Cogswell so that we may get a chance to talk with the inmate alone." So we went to talk with him alone, and in a minute Dr. Cogswell missed us and came back and stood by us and heard every word that Coakley was saying. I thought we would sneak off from him, so to speak.

Q. You admit that?

A. Left him to talk with to the inmate — it seemed to me it would be better to allow Coakley to talk to us alone, but he didn't. The conversation was held in the presence of Dr. Cogswell — that conversation.

Q. Well, as I understand it, you asked him for the privilege of being allowed to go about the institution, and he did not go with you?

A. No, he did not.

Q. You have no complaint to make of that?

A. No; none.

Q. And you were not denied admittance to any part of it?

A. No; he showed me, as far as I was aware, the books I asked for, and if he didn't, I guess it was because he thought he wouldn't bother himself. It would have been for his advantage to have done it.

Q. Now, you say you found Mr. Simpson over in the Charlestown Almshouse last summer in an exceedingly jolly state of mind?

A. A happy state of mind the first time.

Q. And afterwards you saw him in an exceedingly complaining state of mind?

A. Yes, sir; very.

Q. About the same state of mind that he was in down at Long Island?

A. Oh, worse, perfectly crazy, going nearly mad, all by himself, complaining.

Q. Did he complain of things over at the Charlestown Almshouse?

A. Yes.

Q. Of mismanagement, bad treatment?

A. He complained that he was made to work and that he was too sick.

Q. Pardon me — answer my question. It is very simple.

A. Yes. I never took any stock in what Simpson said from first to last; I thought the man was a chronic grumbler and now I am convinced of it. He will never be happy unless he is finding fault with something.

Q. He was happy for a time, without making complaints?

A. Yes, sir; strange to say.

Q. How about Doran?

A. He never had complaints to make over there at Charlestown to me.

Q. Well, he and Simpson at first were together and told you about their good treatment there?

A. Yes.

Q. And the last time you were there Simpson complained and Doran didn't?

A. Yes, sir.

Q. There was evidently some coolness between the gentlemen?

A. No, there wasn't. Mrs. Eastman said to me first, "Here is a man you knew at Long Island," and Doran and Simpson both came up and talked, first one man and then both, and they said it was fine there; and then the next time Simpson asked me to come over there and I went over, and I went into the dormitory where Simpson was and he came forward to speak to me, and Mr. Eastman went out and closed the door, and I talked with him half an hour, scolding him most of the time, and he deserved it, because he was up to his old tricks of complaining and grumbling about abuses. He said, "I shall go before the Board of Aldermen and tell them." I said, "I don't believe there is a word of truth in it."

Q. When did you first go to Long Island?

A. In 1892.

Q. At that time was the old Snow cottage still standing?

A. I think so — 1892? Of course, yes, the Snow cottage was there.

Q. Did you examine it?

A. I never examined it. It was burned down before the second time I went there, last winter. I never looked into the cottage.

Q. Did you look into it or examine it at your visit in 1892?

A. I did not.

Q. You knew or heard that it had piazzas all over it?

A. No, sir; I couldn't say.

Q. You couldn't say that it hadn't?

A. No, sir.

Q. That was burned last winter?

A. Yes, sir — early in January, last winter.

Q. Did you know what they were going to use it for?

A. A nursery for the women — I thought a very good use, too.

Q. But it was burned?

A. Yes.

Q. Now, you said something about getting warrants for vagrancy against these people who come back from Long Island?

A. I said I thought it might be tried and might work.

Q. Did you know that it had been tried?

A. Yes, sir. I stated that it had been tried once in Boston here.

Q. You knew that it had been tried here and had failed?

A. I stated that.

Q. That the judge wouldn't grant a warrant?

A. I think there was one occasion when it was tried, and I think there was some reason why the warrant was not granted.

Q. It was tried on that state of facts?

A. Yes, sir; but I know there have been similar cases in other parts of Massachusetts where they have been convicted under that law — apparently similar cases.

Q. But not in Boston?

A. No, sir. That is, so far as Boston is concerned you understood that if a man went to Long Island as a pauper and asked for a pass and got it and came to the city that he then was not liable, as our judges hold, to be tried and convicted as a vagrant?

A. Oh, no, not in the past; that there had been one such case, I believe; but the point was that if he was discharged and came up to the city instead of being given a pass, the pass being refused, that then the city has discharged him, and in that case that law would apply.

Q. You think, then, that it would make a difference whether they gave a pass or a discharge?

A. Yes, sir; I do. I think it would make a stronger case if they said before the judges, "Here is a man who has been in an almshouse maintained by the city, and who has left six times this winter and has gone on a drunk and wandered around, who has no honest means of livelihood, and who now comes back and asks for admittance again." I think if the pass system was not in vogue so extensively as it is now, and those people were discharged, that it would make a stronger case, where an inmate has left the institution five or six times and then applied for admittance again. It is quite possible that a law might be passed — an effort was made last year — limiting the number of times that a man may be admitted to an institution without becoming liable to a sentence.

Q. Was that passed?

A. No, sir; but if that should be passed it would be desirable to make every time he comes in really a new admission.

Q. Well, you knew that the rule in the courts in Boston — or you had learned that the rule was in respect to granting warrants for vagrants — that unless a man was detected in soliciting alms he was not held for being a vagrant?

A. That is what I was told. Mr. Gilman told me that. I cannot swear that those were his words, but he told me the case of a man —

Q. I am stating it correctly in substance, am I not?

A. In substance.

Q. If that is the case it would be necessary to have some change in the law.

Q. Well, have all judges ruled the same?

A. They have. Well, the other judges in the Commonwealth have convicted under that law.

Q. There is no evidence offered here that they have?

A. I have evidence that they have.

Q. But excuse me — it has not been offered. You understood

that Mr. Gilman said they must be detected in the act of soliciting, begging alms, didn't you?

A. I say I think that is very likely just what he said, but he told me of this man they tried to have convicted, and he said the Court wouldn't convict him, and I think likely he explained the objection of the Court, as you have stated it. But I can't say exactly what he said.

Q. Well, that is the result that is left upon your mind, isn't it?

A. Well, I think so, but if Mr. Gilman should say to me that he didn't state that, but said something different, I should say very likely that that was so, too; I know that he tried to get that man convicted and couldn't succeed.

Q. That is what I am trying to get at.

A. That is perfectly clear. I grant that right off.

Q. Now, he told you, didn't he, that it was the chief-justice of the Municipal Court?

A. Yes; Judge Parmenter.

Q. Now, Mrs. Evans, you say something about the inmates at the Charlestown Almshouse going to Long Island?

A. Being moved down there by the Commissioners.

Q. Yes — being moved down. Do you think it would be better for them to stay where they are?

A. It would seem so me. It would seem to me that if they went to Long Island the institution would be very much crowded. If they were added to those there, together with the others that are to be sent there, with as many as they have had down there in the past, they would be crowded together like herring — very crowded.

Q. What leads you to think they are to be moved down there?

A. Mr. Pilsbury and Dr. Jenks told me last winter that they were to be moved when the Long Island institution was finished, and Mr. Eastman told me they expected to be moved.

Q. You heard Mr. Pilsbury's testimony the other day?

A. No, sir, I didn't.

Q. You think it would be a good thing to continue the Charlestown Almshouse?

A. Yes, sir.

Q. And in your opinion, although the building in Charlestown is not as good as it might be, it would be suitable to keep people in under those circumstances, and better then to move them to Long Island?

A. Better than to move them to Long Island and crowd them. I think that is undoubtedly so. I think it would be a good thing to keep the Charlestown Almshouse, that it would not be necessary to vacate it. Of course, it lacks many modern improvements. Mrs. Eastman took me about and gave me ample opportunity to see everything for myself.

Q. That is hardly to the point now. If there is anything further you wish to say in that respect I dislike to deprive you of the opportunity, but we wish to get on as rapidly as possible. Mr. Pilsbury testified to that same thing Saturday, didn't he?

A. I wasn't here. I haven't seen his testimony. I want to get it.

Q. Now, you say the paupers ought to be classified?

A. Yes, sir.

Q. That is, you mean a classification somewhat further than it has been, that is, the sick are to be separated from the well. You would say that?

A. Yes, sir.

Q. The sexes are to be kept separate, and the hardened criminals kept from those who are not quite so hardened — that is the idea?

A. Yes; and the respectable ones from those who are somewhat hardened.

Q. And you say they should have a work-house department for depopulating the almshouse — that is really the reason for it, I take it?

A. Well, that, and for the sake of those who do come there, for their own characters. Make them work, because it isn't good for them to live in idleness.

Q. But the real reason is to offer less attraction, to render the institution less attractive?

A. That is one of the chief reasons, but not the whole reason.

Q. Well, you said, I believe, that you would put partitions in?

A. I suggested that. I say that not with absolute certainty that it is the best thing to do. I simply suggested it as a thing that might be done.

Q. You mean that you haven't much confidence in the suggestion?

A. I think it might be advantageous, and I should think it would help. It would seem to me a good plan, but I wouldn't place much stress on it. It wouldn't do any harm, anyway.

Q. Then you haven't much confidence in that?

A. That is a very minor point.

Q. Then it is not easy to carry the classification out, is it?

A. I don't think it is easy to do anything worth doing.

Q. I am talking now about classification. I admit that a great many things are difficult and that others are easy. But you think it is not an easy matter, and you have been studying the subject for a number of years?

A. Well, I don't think it is so very difficult, if you have got room enough. I think on Long Island if it is overcrowded it would be hard, but even then it might be done, because there will be five or six wards for the men in which classification might be carried out.

Q. You would suggest using each ward for one purpose — for the purpose of housing one set of men?

A. Of the same grade and character as far as possible.

Q. Now, what do you say to this, that the men would be divided as to their sleeping-rooms, that those who were not bad might sleep with men who were not as bad as some of the others — or would you confine it to the day-time?

A. I should think that the day-time would be the most necessary time to separate them.

Q. How are you going to do it? How are you going to keep the good unfortunates from the bad unfortunates?

A. I think if the building was crowded it would be hard, as I have said.

Q. That is, you could do it if you had a larger building?

A. No, but if you don't have them brought down there from Charlestown.

Q. But, assuming they are going to continue the use of the Charlestown Almshouse, because Mr. Pilsbury says they are, so there is no need of considering that question. What do you say about separating them in the day-time?

A. Have day-rooms for those who are too infirm to work.

Q. But of course those too infirm to work could not very well contaminate themselves?

A. Well, you see them in Loafers' Hall — they contaminate themselves and each other.

Q. But you say that the men whom most need to be treated are the young, able-bodied, hard-hearted, wicked men?

A. Not necessarily hard-hearted or wicked because they are able-bodied — keep them away from the others.

Q. You would try in some way to keep them apart — keep the good ones away from the wicked ones. You are certainly not afraid of the good men down there?

A. No, sir; except that I am very much afraid for them — for themselves.

Q. But it is because of the bad ones that you are afraid for the good ones?

A. Yes, sir; for the good ones.

Q. Now —

(The committee took a recess at 6.03 o'clock P.M. to 7.30 o'clock P.M.)

EVENING SESSION.

The hearing was resumed at 7.30 o'clock P.M., Chairman HALL-STRAM presiding.

ELIZABETH G. EVANS. — *Continued.*

Q. (By Mr. PROCTOR.) I believe, Mrs. Evans, you do not say now that Dr. Cogswell's statement with respect to the floors in the institution being scrubbed is not now accurate?

A. No, sir — at least I don't know anything about it now, but last spring, when I last called, the floors were scrubbed.

Q. They were then scrubbed?

A. Yes, sir.

Q. Then the information that you got as to what was done to them before came from whom?

A. From the inmates and from Mr. Stinson, the deputy.

Q. Well, you don't mean that Mr. Stinson was there?

A. Mr. Stinson told me that previous to his coming they had

not been scrubbed — had only been mopped — and that he insisted on scrubbing them; and I know from the looks of them that they were dirty before and cleaner afterwards, not clean, but cleaner.

Q. That is to say, your information came from Stinson in regard to a time when Stinson was not on the island at all?

A. Yes, sir; he said he had —

Q. I have made an accurate statement of it?

A. Well, I think you have made a specious statement of it. It is accurate and it isn't.

Q. If it isn't accurate I want it correct?

A. I think the accurate statement is that Stinson said when he came on duty he found it was the custom not to scrub the floors and he instituted scrubbing as a change.

Q. That is to say, he had to depend for his information upon something that he was told, and you have to depend for your information on what Stinson told you, and so when we get it it is as to a state of things concerning which Stinson knew nothing except that he had the floors scrubbed?

A. No; I can't say that that is correct — he had scrubbing brushes and everything furnished, which would be very good evidence.

Q. Did you ask him that?

A. I said "The place has been improved since you have been here," and he said, "The custom was to mop it and now we scrub it."

Q. You don't know what he found there?

A. Of course, he relied upon the testimony of others.

Q. But your information rests simply upon his statement?

A. And upon the inmates' statement previously.

Q. I understood that you didn't place reliance on the inmates' testimony?

A. I said I didn't place reliance on it, and I didn't.

Q. And yet you have said not a single statement in the report rested upon or depended upon what the inmates said?

A. Not solely dependent upon what inmates have said. If inmates said something and Drs. Cogswell, Dever, and Sullivan said the same thing, I would take that, but I would not take the uncorroborated statement of a witness.

Q. That is to say, if you believed Dr. Cogswell, Dr. Sullivan, or Dr. Dever, and did not disbelieve the inmate, you would simply give us the fact?

A. If I had some doubt whether what they were stating was true, and they all said independently the same fact, and if it was an independent statement which was corroborated, and if an inmate made a statement, as Coakley did, to me about the rations furnished, the milk, and what not, and I took his figures and referred to Dr. Cogswell's record and found that they corresponded, I should take that upon Coakley's statement and the records together. That happened frequently.

Q. Did you ever do that?

A. I did, with Dr. Cogswell present and with his assistance, and I always found his statements were correct.

Q. Well, did the records and Dr. Cogswell's statements and the inmates' statements correspond?

A. Dr. Cogswell's first statement did not correspond, but his second one did, with the record.

Q. Then you finally got it from Dr. Cogswell as to what it was?

A. No, I got it from the records. Dr. Cogswell had stated about the trouble with the milk.

Q. Still talking about milk?

A. Talking about records now, because that is the fullest one, for the milk.

Q. I think we have covered the milk pretty well — do you say that Dr. Cogswell admitted that the children did not go out during the winter months?

A. I understood him to admit it on the witness-stand, but I haven't read over his testimony.

Q. You mean his statement?

A. And his cross-examination. I understood him to say that they didn't go out during January and February.

Q. But you do say that the doctor was correct about the date referred to, the 22d of March?

A. Yes, he was; but he wasn't correct as he rendered the conversation. The conversation was not as he stated it. It was impossible — his explanation of it was an impossible one in view of what I said to him. I was asking him as to how many officers were employed —

Q. You know that I have not asked you anything at all about that, Mrs. Evans?

A. All right. I am not much accustomed to cross-examination. I don't mean to transgress.

Q. You are not transgressing — I am not complaining at all, only I don't want to be complained of for having the time taken up.

A. I will try to answer your questions.

Q. Then you did not see the electric lights just as they were, Mrs. Evans?

A. Oh, I guess I didn't notice or care how it was lighted. I had no reason for observing whether it was lighted or not.

Q. That was a part of your duty as a member of the Board of Visitors?

A. Oh, no, I hadn't it in mind to notice how the building was lighted.

Q. How many times had you been to the island at the time you wrote the letter?

A. I had been twice, I believe. I am sure I hardly noticed whether this chamber was lighted with gas or electric lights until I just happened to notice it now.

Q. And you didn't notice that?

A. No, sir; I am not an observing person, and don't notice so minutely as to tell whether a place is lighted by electricity or gas.

Q. Hadn't you been there four times then?

A. No, sir; I think not — not more than twice.

Q. Are you sure of that now?

A. Looking at the testimony, January 21 — yes, sir; I had been there as much as four times.

Q. Then your statement that you had only been there as much as two times was a mistake?

A. Yes, it was.

Q. Now, you said, I think, that you had a conversation with Dr. Cogswell with respect to the milk, and that he did not admit to you but said that he could explain it and did explain it. I think that was December 27. He gave you an explanation which you now say was not accurate?

A. I don't think I quite understand, Mr. Proctor.

Q. Well, I probably did not make myself as clear as I wished to. I understood you to say — and you will correct me if I am wrong — that Dr. Cogswell in his testimony said that he could not explain the shortage of milk?

A. No, I didn't understand him to say so in his testimony. He said to me January 1 that he did not know the reason. I said, "What is the trouble?" And he said, "I wish I could find out. I have been thinking that I would try to put a padlock on the cans to stop the shortage," and I said, "I think it would be a good thing to do;" and here on the witness-stand I understood him to say, if I remember correctly, that no shortage had occurred after December 27, when he had instituted the new method of sending the officers to the kitchen to get the milk instead of sending inmates.

Q. Now, you see we are not getting exactly to the point. Didn't he tell you at the island that he did know what the trouble was?

A. No. The first time he talked to me he told me he didn't — the very first time of all, when he first spoke, he said they would send in milk in the morning — 125 quarts — and nothing would be left for supper. That same day I went into the office and looked at the records and on the records I saw there a shortage of twenty quarts. I said, "There is the trouble, outside of the hospital — it isn't that they serve it too freely at the hospital." He said, "Yes, that is what I was telling you, that there was trouble about the milk." I said, "What is the reason?" He said, "That is what I don't know. I would like to find out." That was January 1.

Q. Now, didn't he say that very same thing on the stand?

A. I understood him to say on the stand there had been no shortage since December 27, at which date he had instituted a change in his method of serving it, that he sent the officers to the kitchen to get it, and there had been no shortage since then, and I observed on his records that on December 27 he instituted a new method of keeping the record, recording how much went to each ward.

Q. Now, as I understand it, you said that he said at the island that he couldn't explain it, but on the witness-stand he did explain it?

A. I said he couldn't explain it January 1 but January 8 gave an explanation that there was a shortage in the measure, and he

had previously given an explanation that they served it too freely in the wards, so he said three things on the island.

Q. Am I right?

A. On one occasion he said he couldn't explain it — Janaury 1.

Q. And he said on the stand the same thing, didn't he?

A. I don't know.

Q. Let me read you a few words on page 3030 :

Q. Didn't you state to her that you couldn't explain it and didn't know the cause of it?

A. Yes, I did at that time. I didn't know what was the cause of the shortage at that time.

Q. You didn't show her any of the books, then, at any time, which you kept, excepting those slips?

A. I showed her those slips.

Q. Everything you showed her was there, and you told her that was the only record you had, didn't you?

A. I don't think I did.

A. Well, I didn't hear that testimony. That was a time when I wasn't here. But previously to that I was here.

Q. But that explains exactly what he told you?

A. I explained, you know, what he said on the witness-stand another day.

Q. Then this statement I have read to you corresponds exactly with the statement he made to you at Long Island?

A. Corresponds with the second statement, but not the first.

Q. Does it correspond with any statement he made to you at Long Island?

A. Corresponds with the second statement he made on January 1. But he made another statement in his testimony, which I will find if I have an opportunity, which does not agree with that, which I think is the true explanation.

Q. Now, we were talking just before the intermission of classification?

A. Yes, sir.

Q. I asked you what you would do with the bad men during the day?

A. If they were able-bodied I would occupy them.

Q. Yes, of course, but there are certain times in the day when you couldn't occupy the bad able-bodied. Now, what would you do with them?

A. Well, I would like to say —

Q. Pardon me, please — don't. Answer my question if you can.

A. Why, I would allow them to recreate, take recreation.

Q. At that time how would you keep them from mingling with anybody else?

A. I am inclined to think I should —

Q. Now, how would you do it?

A. I should —

Q. Would you lock them up?

A. Well, I should try to have them take their recreation, if they had only one room, at a separate time.

Q. You wouldn't, then, allow them to go out-doors to recreate at all?

A. Yes.

Q. When?

A. At proper times, in the yard.

Q. What would you do with the rest at that time?

A. At that time the others — might have two yards, as far as that goes.

Q. Yes, but we have got but one. You have bad young men and the old men. You would have to have more than two yards to do that?

A. Well, I think, as I stated last spring when I was pushed to this question, that it is an improper and impossible thing for any one not actually administering an institution to indicate how such details should be adjusted. Those are matters of judgment.

Q. Pardon me. You know you are rather an expert, Mrs. Evans, and I am asking you now to give an expert opinion?

A. I don't consider myself expert on almshouses.

Q. But you have given us a good deal of expert opinion based on observation?

A. As to what ought to be done — not how to do it. That is a different matter.

Q. If you say you are not capable of answering the question, I am content. If not, I would like to have you answer me.

A. I say I am not capable, and I don't believe anybody is capable of laying out details for different places as to the way things should be done.

Q. This is not a detail.

A. I certainly consider it a detail.

Q. I don't.

A. All right.

Q. You have said a great many times in the hearing that the radical defect was a lack of classification?

A. Yes, sir; and I say it again.

Q. You say it now?

A. Yes, sir.

Q. And that certainty on your part is the result of investigations which you have made. Now, I ask you what you would do about it?

A. I ask you to have a superintendent to remedy that defect.

Q. Now, pardon me — suppose you are one of the Commissioners, administering the institutions?

A. I one of the Commissioners?

Q. Yes, what would you do?

A. Find a superintendent who could administer.

Q. I would like to see you do it, on such lines as you suggest?

A. I would do it, I tell you.

Q. Give us the recipe?

A. Get a good superintendent.

Q. That isn't enough.

A. It is enough. If that is done the whole thing can be done to-morrow.

Q. That is the refuge you take, is it?

A. Yes, sir, it is, in those matters of detail.

Q. You have no other recipe or prescription that you can give this committee with respect to classification other than that?

A. None other than getting a good man, and he will find out how to do it.

Q. And you have no other information or opinion on the subject at all?

A. Yes, sir, I have.

Q. Give it to us.

A. Get a man of brains and tact, who, recognizing what is the most important thing in the institution, will find out how to do it, and devise the practical means.

Q. Then you don't know how to classify them?

A. I shouldn't presume at a distance like that to say how such a thing should be done.

Q. But you have been down to the island?

A. Yes, sir, I have.

Q. Which certainly is not at a distance, and now you admit that you cannot give us any suggestions?

A. Well, I think if I were to make any suggestions, except in the most tentative way —

Q. In the most tentative way or any suggestions you may desire to make. I understand that you are here to inform and instruct the committee.

A. I think they would be so tentative that they cannot be very valuable.

Q. Well, give us your suggestions, whatever they are.

A. Well, in order to find out how to do it you provide the Commissioners, the Commissioners provide the superintendent, and the superintendent provides the means, and the Board of Aldermen confirm, and it is done — and the citizens demand it.

Q. That is lovely. But you were a member of the Board of Visitors?

A. Yes, sir.

Q. And you went down there to improve the institutions?

A. To suggest methods of reform.

Q. Now, give me some of the methods of reform.

A. I shouldn't prescribe to a person actually doing a thing how to do it. That is his business.

Q. Now, all the time you have given to the subject has resulted in this — and I don't speak offensively, I hope, I don't intend to — it is merely summed up in this word "Classify" — that is all you can say to us?

A. No, it is more than "classify" — it is "what kind of classification?"

Q. Now, give us the details.

A. It is a question of classification.

Q. Pardon me.

A. I say the question is to classify them in such way as to deal with each man and woman according to his or her needs, and treat them so that they will become better men and women.

Q. I agree to that.

A. And the way is only to find a man who will accomplish that by trying. It is only by experiment that those questions can be settled. Every institution must be administered by a man who knows how to deal with officers and how to arrange them. It is a question of detail that nobody ought to prescribe from the outside.

Q. You believe, of course, in having the Charlestown Almshouse properly equipped — you believe in keeping that open?

A. I do at the present as things stand. I don't know as to the future. In the present exigency I should.

Q. At present?

A. At present I should.

Q. You would have a different scheme of classification at the Charlestown Almshouse than at Long Island?

A. No.

Q. What would that scheme be?

A. The same thing. There would be a better opportunity for carrying it out at Charlestown on account of the small rooms.

Q. Give us a suggestion.

A. Only what I have done — separate the people according to their needs and characters and treat them accordingly, and the superintendent to be the judge.

Q. Then all you can say with respect to classification, notwithstanding the study and attention you have given it — for how many years now?

A. Well, I began about two years ago and took a vacation and began again about a year ago — three years ago and then took a vacation.

Q. Did you give it any attention previous to that?

A. Not almshouses, previous to that three years.

Q. Then the result of your three years' study is, that you can give us no hint at all?

A. I don't say that. I say the one important thing is to find a superintendent who knows how to deal with these people. You cannot administer any system without a man to administer, any human system — nothing but a steam-engine.

Q. Well, you haven't got very far, Mrs. Evans, in your scheme for classification, have you?

A. I think I have — a long way. I haven't, however, gone into the details, and that would be impossible unless I was administering an institution.

Q. But, as I understand it, when you have said "classification" you have gone as far as you can?

A. No, sir.

Q. And the rest of it is a detail?

A. No, sir.

Q. Give us some more.

A. Well, when you say "classification" is the whole thing, it isn't the whole thing. You might classify one set of men with blue eyes and one set with black eyes.

Q. You recommend that?

A. No, sir; but I recommend classification according to the moral, spiritual, and physical needs of the individual.

Q. Now, we want light.

A. But I think anybody would be a fool who would try to prescribe the details as to how that should be done until they were doing it. I said in answer to Mr. Brandeis' question, that you might make day-rooms and put up partitions, have work, and it might all be done and the place not better than it is now.

Q. It seems to me so.

A. Until it is intelligently done and administered with the moral force that should be brought to bear to meet the needs of the men and women there, the place might be as bad as it is now.

Q. What improvements would you suggest in that direction?

A. A superintendent, if you want to reform the people.

Q. You have said that before.

A. That is what I suggest.

Q. Anything else?

A. I think when that is achieved the whole thing is done.

Q. Have you any other suggestions to make?

A. None other that one might not be obliged to withdraw under the stress of circumstances, circumstances being the conditions you are working under.

Q. How about Tewksbury — are they so clasified at Tewksbury?

A. I should judge they are not classified at all as fully as they should be.

Q. Are they classified at all?

A. Yes, sir; I understand they are.

Q. In what respect?

A. I understand that the people who cannot work are very much more separated from those who can than at Long Island.

Q. Yes, but what moral instruction or moral uplifting is there there, so far as your investigations have led you?

A. My investigations have led me a very short way in Tewksbury. I haven't ever investigated the place.

Q. But you refer to it?

A. I refer to what one sees in the way of buildings and arrangements. There is this much, that the super-intendent there impresses me as a very humane man who is anxious to do well by his people and administer the affairs of the institution well. That is the impression that the man's character makes upon me, and certainly there is a very progressive spirit in the institution. But I have not investigated Tewksbury and don't undertake to speak with authority.

Q. We concede that, but you never have investigated what his scheme of classification was?

A. No.

Q. When were you at Tewksbury first?

A. Oh, six or seven years ago.

Q. And what did you go there for?

A. To see a girl whom I knew.

Q. Have you been there many times?

A. Been there perhaps six times in the course of six years, and I have generally gone down to see an inmate who was there, and have seen the institution incidentally.

Q. But you have made no inquiries there as to to their scheme of classification?

A. Made inquiry, but not much in detail. But I noticed last week as to how much they separated the able-bodied from the others, and their buildings are separate.

Q. And what was the result of the information which you got?

A. The result was that the able-bodied were very much more separate in their discipline and occupations, and in the place where they slept and the place where they passed their time.

Q. Well, you know, of course, that the rules passed in regard to Tewksbury enable them to require the inmates to work?

A. I know now which I didn't know last spring, that the laws for the institutions of Boston enable them to compel paupers to work.

Q. Well, then you know more than a great many members of the bar.

A. Well, I know that, anyhow.

Q. I would like that opinion in a concrete form.

A. I thought that was so even a couple of years ago.

Q. I am not now asking you about the city of Boston, but about Tewksbury?

A. I know there is no statute law which enables the superintendent to compel labor at Tewksbury which does not apply to Boston.

Q. You know they have rules?

A. They have rules for their institution which they themselves have made.

Q. You know that the statutes provide for their passage and enforcement?

A. It simply says that they shall make rules which the governor shall approve, and that they shall be the by-laws of the institution. It is not a statute law.

Q. I understand, but it is law. They have a right to punish, have they not, for failure to comply with these rules?

A. Only by rule of the trustees of the institution.

Q. Yes, but the trustees of the institution are empowered by the statutes, aren't they?

A. To make by-laws, not laws.

Q. And they are empowered to punish?

A. By the by-laws, not by the statutes.

Q. But the by-laws are authorized by the statute, aren't they?

A. Well, I have read that and I told the Aldermen about it last spring. You weren't listening, I guess.

Q. I am not listening all the time, I suppose.

A. I shouldn't think that you would, Mr. Proctor.

Q. You don't blame me for that?

A. No, not a bit.

Q. Now, isn't it a fact within your knowledge that most of the State paupers are sent to the work-house at South Bridgewater instead of Tewksbury, anyway?

A. Well, I am not posted on that. There are a great many there?

Q. Isn't that so?

A. I couldn't tell you.

Q. Have you ever been to Bridgewater?

A. I have.

Q. Have you investigated that classification there?

A. I know they have an insane department, a prison department, a poor-house department, and what the practice is in the poor-house department I don't know.

Q. Did you ever make any inquiries as to the classification in the poor-house at Bridgewater?

A. No, I was only at Bridgewater once. I know the men work there.

Q. Well, that is a State institution?

A. Yes, sir. I know the paupers work there, too.

Q. That is all.

A. There are some things I would like to say, if I may. While we are on this subject of classification there is something more I would like to say about it. The aim to be accomplished is improving the moral natures of the people, reforming them, making them better men and women. That could be done to a great extent, without any question, with a great many people. The trouble with most institutions is that there is not enough of that element. Now, at the institution which Mr. Roberts described, and which I know about, there are men and women just like the ones at Long Island. Those people are kept at work and work hard, and are kept there. They are content to work, because they feel that the people demanding work of them are doing it for their own good. They care for the people who rule them because those people care for them. Now, there is a girl named Celia Barry whom I have known at Long Island with six illegitimate children. She is feeble-minded, weak, affectionate, an easily governed creature. She is so easily governed that if they should tell her that she could not go to the city alone they could keep her there. And if the almshouses could have an industrial department, so that the women who came down there addicted to drink, inclined to vice, not bad-hearted — good-hearted, but weak, — if they had a place where they could be trained to work and could be influenced for their good, it would be of great assistance and benefit to them. They are, as a rule, people who are easily controlled and who want to do the things their matrons want them to do. If there was that moral effort that could be exerted to a large extent there would be a vast improvement, and without that all the arrangement you could make, classification, details, new buildings, and everything that outside parties can devise would be a perfect failure. In the hospital there was a good deal of testimony that was offered by the various doctors who came here that it appeared all right, that they saw nothing amiss. I think it would appear all right down there to anybody who went down and walked through it. The building looked well enough. The dirt wasn't obvious in the hospital — it was cleared up so that it wasn't obvious. I didn't happen to notice the dirt until I noticed incidentally that the registers were full of dirt.

The room was very close and it surprised me, because I knew the ventilating system was supposed to be very excellent, and I looked down and saw the registers clogged with dirt — not cleaned out for months. Take all these things together and they add up. In one of the rooms we noticed tobacco juice in the ventilator. I am not an observing person, but Miss O'Sullivan, who is a very observing person, pointed it out right off, and said, "How bad the ventilator is!" But I think anybody who was not of an observing nature would allow it to pass by unnoticed. But I think what Dr. Putnam said in regard to the hospital, in regard to the negative pressure put on the doctors not to order certain drugs and medicines, is very much to the point. He said to me, "There is no evidence that the patients suffer from the lack of drugs there. Even if they did suffer it would be impossible to prove anything of the kind." And there it is. What I refer to is the attitude of the doctors and the nurses. They order things and cannot get them, and pressure is put on them not to order them, and it results in a shiftless, down-at-the-heel, "any-thing-good-enough-for-paupers" sort of feeling. The result can only be bad in the hospital, and he felt that that feeling which the doctors had, whether justifiable or not, was not without significance on that account — not as proving as a matter of direct evidence that the patients might suffer from not getting a drug of a certain kind, but as showing that things were in that condition. Dr. Cogswell said in his statement that he was very familiar with all the interesting cases in the hospital. Dr. Putnam told me that the man Joseph Murray, whose milk was cut off at the hospital, he had known about at the City Hospital himself, and that it was considered a very interesting case. The man himself was of an interesting character — a fine old man, who was blind, and had a tumor. He had some complication of disease with his tumor that made him, from a medical standpoint, a very interesting case, and he was a particularly good man, a very lovely man.

REDIRECT-EXAMINATION.

Q. (By Mr. BRANDEIS.) I wish you would explain to the committee why it is that you, after your study on the subject of pauper institutions, do not feel that you can prescribe a method of classification which would include what you call the details of classification.

A. Why, I don't do it at the institution at which I am a trustee. At the Lyman School, when we wanted to make that a better institution, we felt that what the boys needed was an education, something to wake up their minds, to wake up their moral nature, and we said that we must get a superintendent who could do it. We wanted industrial training there, trade training, and didn't know how to do it. We weren't teachers, and we had to get a man who was a first-class teacher. We said, "This is what we want to do. Here are boys, truants, law breakers, not interested in study or ordinary pursuits, and we want somebody who will find out how to interest the boys and wake up their minds in the

line of industrial training, and by waking up their minds to get them to use their brain." We got the superintendent, the man for the place, and he has done it.

Q. Now, when you get this superintendent, this good man for Long Island —

A. Not only good, but sensible and wise.

Q. How will he go to work to find out how to classify the paupers?

A. Well, all he could do would be to go ahead and try different things, and I should only refer to it in the most tentative way. He could try one thing for a little while, and then try another thing, try some scheme, make some arrangement, see if this worked, and if it didn't work as it ought, to see where it was amiss, and then change it. It is merely a tentative process, which has to be followed out by watching how things are going. It can only be done by having your hand on it, watching it. Nobody at a distance can lay down details for an institution.

Q. Did you find, in making the reformation at the different State institutions of which you are trustee, that that was the method adopted?

A. Yes, sir; always.

Q. Is it done at Monson?

A. Yes, sir; most emphatically. I nearly broke my heart over Monson when I was first trustee there. It is a very different place now from what it was twenty years ago, when the children were starving there. When I was first trustee there, we had trouble with the superintendent. The superintendent was very kind but he was as slow as cold molasses. We used to go there and say, "Why can't this thing be done?" and "Why can't that thing be done?" He said, "Oh, that can't be done. It will never work — can't do it possibly." We used to say, "I don't see why not." — "Oh, it is perfectly impossible — it costs too much and can't be done." We finally bore it for three years and then the Board of Trustees rebelled and were finally compelled to turn him out. He was a good man and we disliked to do it, but he was not the man for the place, and we finally got a man who is a perfect treasure.

Q. And he has carried out these reforms that you have referred to in a general way?

A. Yes, sir; he has perfected a number of improvements and the place is better in every way. Under the previous superintendent the dining-room at Monson wasn't as bad as the one at Long Island, but it smelled horribly. It was an old institution, an old almshouse, and it got to be very bad. Wax and turpentine is used on the floors, and there is no more of the trouble that there used to be from children coming in with wet boots. Everything is fixed up nicely, and it smells like a new institution now.

Q. What experience have you had at Lancaster?

A. Just the same — had an awful superintendent there ten years ago, and the school got a very bad name. When they wanted to place girls out on probation a good many families wouldn't take them, as they had such a name; and now there are more applications for girls than there are girls to fill the places,

and I know of people who have taken girls from that school into the family as helpers who say they wouldn't take any others. In spite of the fact that they are taken off the streets, girls of bad character, in spite of that fact they make the best servants, and they won't employ anybody else. It is a lovely school now.

Q. And what part of the work in all of the cases have the trustees done?

A. We have indicated principles and results that we wished accomplished. We have said, "We want such and such a thing accomplished, and you are to find some way to do it."

Q. Well, to what extent have you consulted with or directed the superintendent?

A. Well, consulted with him a great deal, but rather in the way of talking things over, and we have had but very little to do in the way of directing details — hardly at all.

Q. In what respect did you allow latitude to the superintendent in the manner of conducting things and carrying them out?

A. Entire latitude. We expect him to think out ways how to do things and say to us that this system of training ought to be introduced or another teacher got — for instance, we got a man out of the Institute of Technology to teach filing, forging, etc., the higher class of industrial work. The superintendent said he would like such a man and he thought he could find him. He did so and consulted with us and we hired him. Of course, he couldn't hire such a man without the trustees authorizing him to expend the money.

Q. The trustees have sole authority in regard to the expenditure of the money?

A. Oh, yes, they have got to approve his expenditures.

Q. And approve, also, every new movement?

A. Oh, he will always come forward with anything of that sort for approval, but he initiates the movement. He talks it over with us, and we say that it is a good idea and that we ought to try it. The superintendent at Westboro' said a good while ago that we could accomplish better results if we paid more to teachers and got teachers of a higher grade — that, as a Reform School of a high grade, if we raised the salaries of teachers we would get better teachers and accomplish more.

Q. Produce better results?

A. Yes, sir; and we have produced marvellously better results. It is an admirable school. I wish the Board of Aldermen could spare the time to go up there some day. It is a Massachusetts institution.

Q. And it has just the same policy which you recommend for the solution of the problems at Long Island?

A. Yes, sir; and it is the only policy. For a Board of Commissioners or a Board of Visitors to undertake to dictate to the superintendent how to do things will make a mean institution. It will tie the hands of their superintendent, who is the only person who can do it.

RECROSS-EXAMINATION.

Q. (By Mr. PROCTOR.) Then the result of all your investigation and all your holding of positions of trust is, that you have personally, as the result of your experience, no suggestions to offer except that a superintendent should be obtained who can do it?

A. Yes, I have the suggestion of what should be done, Mr. Proctor. I think that is a very important one.

Q. But you have no suggestion as to how it can be done?

A. None as to the actual details of doing it — only the most tentative ones which any person might make, and which would be worthless.

Q. Well, I suppose it wouldn't take many years study of the question to learn that it would be a good thing to improve the people at Long Island? It wouldn't take long to know that?

A. One would think so, but nobody seems to have thought of it before. Now, the position of the Board of Visitors —

Q. Well, you are going outside of the question.

A. I think not.

Q. I am afraid you are.

A. Excuse me.

Q. Now, that being so, anybody would think, and a casual observer or a casual thinker would agree, that it was a good thing to uplift these people?

A. Well, I don't suppose anybody would say it wasn't a good thing, and you may say that that is something every one will realize, but the fact has been that all these people seem to think it is impossible to help them.

Q. Well, you see you are getting away from my question. That would not take any special study at all?

A. Yes, because although a good many people may have thought about it a good many never seem to have thought it is worth while improving the people.

Q. I confess that I don't follow you. Now, did you ever have a talk with Dr. Parker in the operating-room?

A. I did — a long one.

Q. Well, you were then prejudiced against Dr. Cogswell, weren't you?

A. Well, that was something —

Q. Answer the question.

A. Yes, sir; I was very much by Dr. Cogswell's own conduct.

Q. And you said to Dr. Parker that you would make the superintendent smart, did you not?

A. I have no recollection of saying any such thing in my life.

Q. Will you say you didn't say it?

A. I should say that I didn't say it. I have no recollection of saying it, and I should say it was impossible that I should have said such a thing.

Q. Pardon me — I beg of you to answer the question as categorically as you can, not going into the matter of whether it is impossible or possible. Do you now say you didn't say it?

A. I say that — well, you can't say you didn't do a thing. I can say I have no recollection of doing it, and my recollection of the whole conversation there is pretty specific. It seems quite impossible. If I said it I have forgotten it, but you might say a thing in your sleep, you know.

Q. I am not talking about what you said in your sleep, I am talking about what you said down there.

A. Well, I say that I have no knowledge of having said anything of the kind and my knowledge is pretty specific, so I think it is impossible if I said it to have forgotten it.

Q. The most you will say is, that if you said it you think it would have been impossible for you to have forgotten it, but you don't say that you didn't say it?

A. Well, I can't say I didn't do it.

Q. (By Mr. BRANDEIS.) When was this conversation in the operating-room?

A. It was in last June, I should say, after I ceased to be a member of the Board of Visitors, and I went down because I had good reason to go.

Q. What was the occasion of this conversation in the operating-room?

A. The occasion was that I had been told by an outside party that Dr. Parker was about to be dismissed from Long Island, and I asked Mr. Pilsbury if that was a fact. Mr. Pilsbury said that it wasn't made public, their decision. I inferred from his way of stating it that it was probably a fact. I heard from this person who informed me that Dr. Cogswell had trumped up a disgraceful and untrue story against Dr. Parker, and was trying to get him dismissed upon that statement, and that if some means was not taken to stop the measure he would be dismissed, as they would claim, as an improper person. I thought it important to stop it on that account, and I went that day to Mr. Pilsbury and asked for a pass to the island. I asked again if he would be dismissed. He said he would not answer, and the inference in my mind was that probably he would be. Then Dr. Cogswell was on the police boat, and I asked him if he would give to me the facts in regard to the charges against Dr. Parker, and he refused to give them to me. I then went to the hospital, and I said to Mr. Morphy that I wanted to speak to Dr. Parker. I then said, "Where can we talk where we will be alone?" There was an office, a public room, leading into the operating-room, and I didn't like there, and so I went into the operating-room, and Dr. Parker gave me his statement of what happened, and I then talked to Dr. Leach, and I think one of the other doctors, and I think Mr. Morphy will corroborate that. When I came home I wrote a letter to Dr. Noyes, who was at the hospital at the time this occurrence happened about which Dr. Cogswell brought the charge. And I had a letter from Dr. Noyes confirming Dr. Parker's statement. While we were conferring Dr. Cogswell came in and said, "Excuse me, Mrs. Evans, but your pass says, 'Business with the superintendent.' What is the business?" I said, "I have transacted my business."

He says, "Your pass does not allow you to talk with Dr. Parker. However, after you get through I would like to see you in the office." After I got through talking with Dr. Parker I went to the office and Dr. Cogswell said to me, "Do you mind telling me what you were talking with Dr. Parker about?" I said, "No, I was talking with him about the charge that you have made against him." He said, "What did Dr. Parker say?" I said, "What do you say about it?" He said, "Well, if you will tell me what Dr. Parker said, I will show you where he was wrong and then explain it." I said, "The best way for you to do is to tell me what happened and then I will have the two stories and compare them myself."—"Oh, no, I won't do that."—"Then I won't tell you,"—and I went the next morning and told the Mayor what Dr. Cogswell had done, and what Dr. Parker had done, and Dr. Parker was not dismissed.

Q. Well, these charges against Dr. Parker which you went down to investigate were charges first suggested after Dr. Parker testified here?

A. Yes, sir—two or three weeks after—several weeks after. I heard no charges against him before that. That was the reason of the conversation in the operating-room, and that is the reason why I went. I think that was the last time I was at Long Island. Dr. Cogswell explained to me quite naively that day the great advantage he had had from my testimony. He said, "I am glad you testified the other day on the witness-stand. All this information enables me to clear it up." I said, "I am very glad that I gave you the information." In regard to the surgical instruments, about which the physicians have appeared here and testified that there were enough, when Dr. Putnam saw them there was only one pair, I think, of operating shears, and I doubt if Dr. Fitz and Dr. Richardson would have thought that was enough. They might have. Here is one practical suggestion that I would like to venture, Mr. Proctor.

Q. (By Mr. PROCTOR.) I have no doubt it will be very acceptable.

A. Unless there has been a recent change there is no room where officers can meet each other except by visiting each other in their bed-rooms. I think that is very demoralizing. I have simply to refer to the remark of Dr. Cogswell about the nurse and a scandal there at the time to show how men and women meeting in their rooms might make a perfect nest of scandal there, even if everything was all right. You can easily conceive how that might be.

Q. And would that assist in the management?

A. I think it would, as it would increase the self-respect.

Q. Would that pertain more to managing the paupers or making things more comfortable and better for the officers?

A. I think it would assist in managing the paupers, as it would lead them to think there was a better class of officers, and would lead the officers to have more self-respect and more respect from the inmates, who now tell horrid things about the officers, because they are bad-minded people and see men and women in the rooms

of an evening. I don't think there is anything wrong. It is merely in appearance. I don't say they do anything wrong.

Q. Who was it told you about these charges against Dr. Parker?

A. First?

Q. At any time?

A. Mr. Smith.

Q. What Smith was that?

A. I really don't know his first name. He attends these hearings, and he is a friend of some of the poor people whom I used to know about.

Q. You mean the young man with the luxuriant locks?

A. Well, he has a mustache, if you call that luxuriant.

Q. The gentleman there?

A. Yes; there he sits. No; Mrs. Lincoln told me and said Mr. Smith would tell me about it, and I asked Mr. Smith. I knew him because he is interested in a family of children that I was interested in. We were old friends from that, and he told me.

Q. Well, you have talked with Mrs. Lincoln and Mr. Smith about it?

A. Mrs. Lincoln —

Q. I have asked you a simple question.

A. Mrs. Lincoln said to me that Dr. Parker was going to be dismissed, and I said, "How do you know?"—"Mr. Smith told me." And she told me I might see Mr. Smith about it. That is all I talked with Mrs. Lincoln about it.

Q. Did you have any other talk with anybody about the charges — you said you talked with Dr. Parker?

A. Dr. Cogswell and Mr. Pilsbury.

Q. Did you talk with Dr. Parker?

A. Yes, sir.

Q. Well, you learned, I suppose, that the fact was that Dr. Parker had made certain charges, did you not?

A. I learned that the fact was that Dr. Parker made the charge that a nurse had thrown a dish in his face and he complained to Dr. Cogswell about it, and I don't know whether Dr. Cogswell refused to believe it or not, but he wouldn't do anything about it. That was the charge he made, and then the Commissioners instituted an inquiry.

Q. Didn't Dr. Cogswell send that complaint up to the Board of Commissioners?

A. Yes, sir.

Q. That was his duty, was it not, plainly?

A. No, I think he should have dismissed the nurse.

Q. Do you know what was done about it?

A. Yes, they had a long investigation, days and days.

Q. What was done about it?

A. Nothing, as far as I know. Dr. Parker stayed on duty, because the Mayor kept him there. Dr. Parker claimed that the nurse threw the dish in his face, and there were inmates, claimed to be perfectly upright, that heard this woman pitching into Dr. Parker and storming at him. So I guess there was no doubt about the woman throwing the dish in his face or something in his face.

Q. You learned, I suppose, in the course of the investigation, that he threatened to strike this woman, didn't you?

A. Nobody told me that. I was told that she threatened to strike him.

Q. Dr. Parker told you that, didn't he?

A. I think not. I think he said he caught her hand when she threatened to strike him. I am not sure. I know Dr. Parker stayed until he resigned in the autumn, and the woman stayed — both stayed. I think one should have gone.

Q. (By Ald. LEE.) You think she would have been a good subject for classification?

A. I think so. Now, there is just another thing that is very small, but it is an instance of Dr. Parker's accuracy, what I found to be his accuracy, and of Dr. Cogswell's inaccuracy. Last winter one day I went down on the boat with Dr. Parker when we had a good deal of rather desultory talk, and in the course of that conversation he remarked that the records of the institution were kept in an awfully misleading way, that he had had an awful time making up the annual report, that he couldn't make the numbers of deaths at the hospital correspond, and that he sat up until one o'clock trying to make them correspond, and finally found that the trouble was in the making up of the records; and it has been shown on the witness-stand that Dr. Parker practically gave the gist of the thing, and in our report of the Board of Visitors we stated that the records had been kept in such a way that there had been apparently misleading statements. Dr. Cogswell spoke to me about it after the Board of Visitors came out and said there was no trouble at all, that Dr. Parker must have misunderstood; that Dr. Parker didn't understand it; and when he went on the stand as a witness himself he said that he did not examine the books, as I understood him, until January 1; that he was originally puzzled himself by the apparent difficulty, and that he then straightened it out. Most of the things that Dr. Parker has told me, unimportant things comparatively; that he has mentioned, by the way, have coincided with the things that have turned out to be the facts as further evidence has come up.

Q. Well, Mrs. Evans, did the Board of Visitors when that was brought to their attention make an examination of the books on record there?

A. No, sir; not any detailed examination such as you made.

Q. And in your report you simply relied on what was told you about them?

A. No, we looked at the books. There was one statement Dr. Parker had made to us, that there were cases where people had died and no cause of death was assigned, and we looked at the books — Dr. Putnam and I — and found that to be the fact.

Q. Well, did you make a detailed examination of the books?

A. No, sir; I didn't know how the books were kept until it was stated here, in detail. I want to say that I don't know how the books are kept at the Lyman School or the Industrial School. I don't interfere in these details of the schools I am interested in. I think — perhaps that is all that I have to say. There is one

thing that I may want to say, in regard to all these doctors that came down and offered testimony in regard to Long Island, and said they saw nothing amiss. I realize pretty well what it cost Dr. Putnam last winter to make any statement which in any way reflected on a brother doctor. I remember his saying, when we were speaking of making a report: "I don't want to say anything against Dr. Cogswell which would look like censuring a brother practitioner. We are that way, we medical men — we hang together, and I think it is a terrible thing." It was very hard for him to say anything at all in the matter, and I realized his position.

Q. They are worse than lawyers in that way?

A. Yes, for it is the tendency of lawyers to fight (laughter), but doctors always hang together, as, of course, it is right that they should. I would like to add one remark about my old friend Simpson. He has been an instance of the evil of about all that has been said in connection with the present system.

Q. You think that he would make a good foot-ball player?

A. I don't think he is good for anything in the world.

Q. I simply made the remark because you say he is all the time kicking.

A. He is good for nothing in the world, but he is a product of the Boston institutions. I guess what he is we have helped to make him — we, the citizens of Boston.

MRS. ALICE N. LINCOLN. — *Recalled.*

Q. (By Mr. BRANDEIS.) Mrs. Lincoln, several statements were made in the testimony of Dr. Cogswell and in Mr. Reed's opening upon which you wish to make some remarks to the committee?

A. Mr. Chairman and gentlemen of the committee, before this case is closed there are a few points which I wish to take up separately, and to present them in their true light for your consideration. In doing this I shall strive to the best of my ability "to set down naught in malice," but in justice to the cause I shall try to put straight facts which have been perverted, and which therefore do not stand before you in their true significance. It seems hardly necessary that after an experience of fifteen years as a landlady I should be called upon to refute such a charge as that of "taking to the almshouse tenants whom I have evicted, but it may be well to remark, in passing, that I never took more than one tenant of mine to an almshouse, and that one at her own request. Neither have I ever found my former tenants in great numbers in the almshouses of Boston. I can recollect only four persons, one man and three women, who ever lived in any of my houses and afterward went to city institutions, and these four persons sought the refuge of the almshouse without my knowledge. Another point on which I wish a definite explanation of my position to come before your committee is in regard to the two old women, who, it has been alleged, were taken by me to Long Island on a stormy day in March, 1893. The facts are these: I never saw these unfortunate women until I reached the boat. With your permission I will read a let-

ter from Dr. Rowe, superintendent of the City Hospital, who sent them there, and also an extract from my diary, written at the time. The letter is as follows :

BOSTON CITY HOSPITAL,
HARRISON AVENUE OFFICE,
WORCESTER SQUARE, BOSTON, November 23, 1894.

MRS. ALICE N. LINCOLN, 269 Beacon Street :

DEAR MRS. LINCOLN: In answer to your inquiry of even date, concerning Margaret Reardon and Dartmouth Taylor, I beg to send you the following information: Both the women named by you were patients in the hospital; they were recommended to me for discharge, as being incapable of receiving further benefit or relief, and March 16, 1893, I sent them in one of our hospital ambulances to the Commissioners of Public Institutions, at No. 14 Beacon street, for transfer to the island. The driver was authorized by the proper persons at the Commissioners' office to take them to the boat for the island. The records show that the ambulance reached the boat at 12.45 P.M.

Yours truly,

G. H. M. ROWE.

*Superintendent.
Per S.*

The extract from the diary speaks for itself. The entry is of March 16, 1893, as follows :

Took the boat for Rainsford. A windy day; clear, but rough. Two patients were carried down from City Hospital. One good, the other bad. Both complained of cold, and had no blankets over them, although there were some under them. No ambulance met us at Long Island, so the patients had to be carried over to Rainsford Island and back again. No excuse for this: "Telephone out of order" not enough to explain it. Word should be sent from No. 14 Beacon street. Wrote to Aldermen about it, and the next day to the Mayor and Dr. Rowe, telling the latter that in rough weather patients can be landed only on rear of Long Island, where no stretcher can be used. As they were both cases of broken leg or hip, it was hard to transport them. Mary Reardon, a nice old women, with white hair, told me her history on the way down.

This, gentlemen, is what happened. I not only did not take them there: I was in nowise responsible for their being there. Mr. Galvin is a kind-hearted man, was much disturbed when he saw the condition of the two women, and offered to hold the boat while the ambulance was being prepared on Long Island, if I approved of such a course. I replied that it did not rest with me to assume such responsibility, and consequently the women were carried to Rainsford Island, and brought back to Long Island, where the ambulance was ready to receive them. There was never any question of their remaining at Rainsford Island, because Long Island was their destination. Before leaving the question of the management in the past, I wish to correct two misapprehensions. First, that Mr. Galvin did not have every opportunity to hear the statement presented by me to the commissioners August 5, 1891. I read it to him myself at No. 14 Beacon street, although not until I had first submitted it, as was proper, to the commissioners. It has been said that I criticised the old hospital at Rainsford island simply for the sake of fault-finding. This is untrue. The commissioners themselves condemned it, and I complained, with

reason, both of the construction and management of that faulty old building, which happily has now been replaced by a better structure on Long island. I asked for better hospital nursing there, and for a trained nurse. It is gratifying to note that there is now a trained nurse as superintendent of nurses in the hospital on Long Island. A skilful system of nursing would have done much to remedy some of the evils of the old hospital. Much mention has been made in this examination of fire-escapes and the absence of fire protection. I wish to say that my remarks referred chiefly to the absence of proper fire protection on Rainsford Island, where there were at one time seventy-five old or infirm women sleeping in the wooden attics — a condition which Mr. Pillsbury, in his testimony, deplored, and which is not likely to occur again. Another point which should be made clear is, that although certain witnesses who have appeared here have been censured for conferring with me, they are not to blame. I never had the slightest communication with Mr. McCaffrey in regard to abuses which existed on Long Island until he came by the request of Father McAvoy, and with a letter from him in regard to the continued employment of Smith, an intemperate official, as deputy at Long Island. Neither was I ever on Long Island with Mr. Brownell. It seems almost too petty to refer to the fact that I never asked Miss McNamara to testify, notwithstanding the letter I wrote requesting her to come to the office of my lawyer. I did not see her then nor have I ever spoken to her since. I had heard that she wished or was willing to testify. There is one thing that ought to be remembered, and that is that a great many changes, improvements, have been made at Long Island the past year, and therefore witnesses who testify to things as they find them now should remember that they may have been different at the time the investigation began or when I offered my testimony. In conclusion, there is another matter of which I wish to speak, and that is the kindness and courtesy the Commissioners have always shown in granting me passes to the islands, and in making it easy for me to visit the people there in whom I may be interested. This has proved to me that these gentlemen have recognized in the present investigation an attack upon a system, rather than upon individuals — a system which in the future we hope to see greatly improved. It only remains for me to thank the committee for its patience in listening to me, and to the evidence which I have tried to submit truthfully.

Q. Mrs. Lincoln, then the first time you saw Mr. McCaffrey was when he brought Father McAvoy's letter to you? That is, I mean, the first time you saw him in regard to this?

A. Yes.

Q. You had known him before that time?

A. I had. I had seen him at Long Island. He was the one to collect the passes.

Q. You had never talked to him at Long Island about the institution?

A. Nothing except in the most general way, except to say

that I had come down to see somebody. He had never criticised the institution and he had never spoken of it to me.

CROSS-EXAMINATION.

Q. (By Mr. PROCTOR.) Mrs. Lincoln, I would like to read to you a word or two of the testimony of Mr. John Galvin on page 2738, where he was under examination by Brother Brandeis :

Q. Just before you left Long Island it has been said that two women, both helplessly ill, were landed there, and the management has been criticised for delay in providing an ambulance?

A. I couldn't see any delay. The preparations were made before the parties left Boston, and they were to go to Rainsford Island. Consequently they were not expected at Long Island, and they occupied the same space in going from Long Island to Rainsford as they did from Boston to Long Island which did not discommode them any in the least. Preparations had been made by the doctor to receive them at Rainsford Island, as the hospital was full on Long Island, and consequently they couldn't take them there. But Mrs. Lincoln plead so hard to get them to Long Island that I couldn't resist her, and I told the doctor possibly it would be better to take them to Long Island, on that account, and they were taken there.

Q. (By Ald. LEE.) How long afterwards?

A. Three-quarters of an hour. We went from Long Island to Rainsford; stopped about ten minutes.

Q. Was that where the plea was made to bring them back to Long Island?

A. Yes, sir.

Q. (By Mr. REED.) Were they moved from the boat, Mr. Galvin, at the first stop at Long Island?

A. No, sir.

Q. The room in the boat where they were placed was warm, I presume, and comfortable?

A. Not exposed to the weather at all; not a Parker-house room, by any means, but a good, comfortable room, sheltered from the cold. They didn't suffer any cold whatever.

Q. And when they came back to Long Island the second time I presume you took good care of them?

A. They were taken as good care of as I know how.

Q. And any one, I guess, Mr. Galvin, who knows you, does not think you don't know how. I certainly do not.

A. Thank you, sir. I appreciate the compliment, sir.

Q. Who were these women, these two old ladies, Mr. Galvin? Do you remember their names?

A. I do not, sir. I don't recollect their names.

Q. Did they make any complaint to you at the time?

A. I never heard any complaint from them, sir. I never did.

Q. The physician who had charge of the hospital, as I understand you, advised that they be taken to Rainsford?

A. Yes, sir; he was down at the wharf that day.

What have you to say to that? Was that statement correct or incorrect on the part of Mr. Galvin?

A. That statement was incorrect. If you would like to have me do so I think I can explain it. The most seriously ill patients were kept at Long Island —

Q. Pardon me. You say the statement Mr. Galvin made is incorrect?

A. I do.

Q. Well, his statement is positive, unequivocal?

A. Yes. It is a question of veracity between individuals. He

also may have a faulty memory. I should rather put it on that ground.

Q. I want to bring it to the point that there is no question about his statement being a positive one. You make as positive a one that the facts are not as he has stated them?

A. I do. And, Mr. Proctor, may I say something further?

Q. I have no objection.

A. In remembering the fact that Mr. Galvin forgot entirely that Mr. Brownell and I were never on Long Island together, and forgot entirely that I read to him the statement made to the commissioners on August 5, 1891, I prefer to leave it not as a question of veracity, but a question of memory.

Q. (By the CHAIRMAN.) Well, Mrs. Lincoln, in what respect is this part of Mr. Galvin's testimony incorrect?

A. The women were intended to go to Long Island. Mr. Galvin didn't know that they were coming. I don't think that there was any special preparation made for them either at Long or Rainsford Islands, but I wouldn't be positive about that. But Mr. Galvin was as sorry as anybody could be when those two women arrived at Long Island, it being such a cold, windy day, that there was no ambulance to meet the boat. I remember the circumstances as if they had happened yesterday.

Q. You were on the boat at the time?

A. I was on the boat. I didn't bring those people. I saw them carried on the boat and I asked the captain if I might go and talk with them. And I did. I sat with one woman on the way down, and when we got there Mr. Galvin was as disturbed as anybody, and he made this proposition to me, that he should hold the boat while the ambulance was being got ready.

Q. What portion of it is incorrect?

A. That I took the women there, and that they were ever intended to go to Rainsford Island. They were meant to go to Long Island, and the proof of that is, Mr. Chairman, that Mr. Galvin proposed to hold the boat while the ambulance was being got ready. There was never any talk on the part of Mr. Galvin or anybody else that the women were destined to Rainsford Island in the beginning, and that I meant to keep them at Long Island. He knew they were to go to Long Island. The only question was whether he should hold the boat while the ambulance was being got ready then, or whether they should be taken over to Rainsford Island and brought back.

Q. Was anybody there besides Mr. Galvin?

A. Yes, sir; Mr. McCaffrey was there. But I wish to say again, Mr. Chairman, that I don't wish to reflect on Mr. Galvin in regard to the matter. He did everything that anybody could do on that occasion, and I think that if his memory is a little faulty since, I can very readily overlook it. The only thing I really felt badly about was that I should be blamed for taking those women there when they were already on the boat, and I don't understand how they got on.

Q. (By Ald. LEE.) Was there anything said at that time about his not having any room to place them there?

A. No, sir; never.

Q. It was simply a question about the ambulance?

A. Simply about the ambulance. It was unfortunate that the women were sent down on that sort of a day, because even though they were taken up afterwards on an ambulance, as it was on the rear of the island a stretcher couldn't be used. At the front of the island they could use the stretcher. They were carried up on the arms of the sailors, putting their arms around their necks, and carried up in that way. It wasn't a very good way to carry people who had broken legs or hips.

Q. (By the CHAIRMAN.) Then, as the Chair understands it, the only thing you want to correct in that is that those women were not brought there by you?

A. And that there was no question of their going to Rainsford Island. They were not kept at Long Island at my request. They were kept there because they belonged there.

Q. (By Ald. LEE.) When was that — March 16, '93?

A. Yes, sir; before Dr. Cogswell came there, and therefore anything mentioned in his testimony is simply hearsay evidence.

Q. (By Mr. PROCTOR.) Well, I was reading to you from Mr. Galvin's testimony, not Dr. Cogswell's.

A. Certainly. It happened to occur to me that Dr. Cogswell also was questioned in regard to this matter.

Q. Well, you knew what Dr. Dever said about it?

A. Only what I heard here.

Q. Well, you knew that Dr. Dever said that they would go to Rainsford Island?

A. Only from what I heard here. The testimony said something about Dr. Dever. I think it was from Mr. Galvin.

Mr. BRANDEIS. — Dr. Cogswell.

Q. (By Mr. PROCTOR.) It was Mr. Galvin who said that you and Mr. Brownell were there at Long Island together?

A. Yes.

Q. Well, wasn't it to Rainsford Island that you went?

A. I never was on either of the islands with Mr. Brownell.

Q. That isn't what I asked you. Didn't Mr. Galvin say that you and Mr. Brownell were there together on Rainsford?

A. On Long Island.

Q. On Long Island — you remember where he said you were?

A. No. I have it right here, though. It is on page 2747.

Q. Now, you made an address during the pendency of this investigation, Mrs. Lincoln, did you not?

A. I did.

Q. Concerning the management of the institutions? Of course it must have been made with some purpose. You had some purpose or you wouldn't have made it?

A. Yes.

Q. Well, was the purpose to influence the action of the committee?

A. No.

Q. You are quite positive of that?

A. Yes.

Q. I refer to the address made, I think, at Berkeley Hall or the Young Men's Christian Association?

A. Yes.

Q. What is the date of that?

A. It was the fifth.

Q. Of —

A. Of December.

Q. How long before the municipal election was that?

A. It was about six days, wasn't it? The election was the eleventh?

Q. You had, of course, some purpose in making it?

A. Yes.

Q. And of course I assume that it was not with any desire of notoriety for yourself. I assume that, so we will put that out of the case.

A. Thank you.

Q. And it was not with any desire to influence the committee?

A. No.

Q. Although you knew that the investigation was pending?

A. Of course.

Q. Well, did you seek to have that published, Mrs. Lincoln?

A. No; an offer was made to me that it should be published.

Q. What time did you deliver it?

A. I delivered it at 3 o'clock in the afternoon.

Q. Well, did you know what time it got into the "Transcript?"

A. Yes; I was very sorry.

Q. That was being sold upon the street at the very time you were delivering it, wasn't it?

A. Yes, sir; that was a mistake for which I was not accountable.

Q. Well, you must have made some sort of an arrangement for its publication.

A. I didn't make an arrangement. I told the editor of the "Transcript" that the "Globe" had offered to print the address entire, but that I felt the "Transcript" had been so kind in years past that I didn't wish to make any agreement with any other paper without consulting the "Transcript" first, and the editor of the "Transcript" advised me to accept the offer of the "Globe," and said that portions of the address would be printed afterwards in the "Transcript." I cannot flatter myself that you read it, Mr. Proctor, but what was published in the early edition of the "Transcript" was not the whole address. It was a portion that was to go in after the "Globe" appeared.

Q. That, I assume, was furnished by you previous to the delivery of the address?

A. Of course.

Q. Then, it not being for the purpose of influencing the committee, for what purpose was it?

A. It was to interest the women of Boston in doing what they possibly could to help the institutions of Boston.

Q. Well, it had no reference, of course, to the municipal election?

A. Yes.

Q. Well, what?

A. It had this, that I felt that the gentleman who had been counsel for the institutions was likely to be prejudiced when he came to judge the matter.

Q. You said that, I think, in your address?

A. Yes, but you asked me the question.

Q. Certainly — I don't object to the answer.

A. I thought he would be in a difficult position and it would make it very difficult —

Q. Pardon me, excuse me for interrupting you.

A. I simply say it would make it very difficult for him to judge the matter fairly, as he had been so greatly interested in it beforehand. He was an interested party.

Q. Then you intended it, as far as you could, to defeat Mr. Curtis?

Ald. LEE. — Well, we all took a hand at that.

The WITNESS. — Well, I think I shall reply to that, that I wish it had been that man any other year, or this year any other man.

Q. That is the only answer to my question?

A. That is the only answer I shall give.

Q. Then I infer from the answer you make to my question that it was made with the attempt to defeat him if possible. I may draw that inference, may I?

A. You can leave it right there, Mr. Proctor.

Q. Pardon me — I am asking you a question and endeavoring to be courteous about it.

A. Very.

Q. There is no complaint to be made on that score, and I would like to have you answer it.

A. Then I say it was not a wish to defeat Mr. Curtis. It was a wish to defeat the counsel who had been defending the very abuses we had been trying to reform.

Q. But they didn't nominate counsel, they nominated Mr. Curtis.

A. Happened to be one and the same person, unfortunately.

Q. Well, it was to defeat Mr. Curtis, wasn't it?

A. I have answered the question, Mr. Proctor, as fairly as I know how.

Q. But you haven't answered directly?

A. I think so.

Q. Let me put it fairly. Did you do it —

Mr. RILEY. — Do what?

Mr. PROCTOR. — I am not questioning you, Brother Riley.

Q. Did you make the address intending to do what you could to defeat Mr. Curtis' election for Mayor?

A. I made the address with the intention of putting the facts before the public, and one fact was that Mr. Curtis had been counsel for the Commissioners.

Q. Now, I should like to have you be good enough to say "Yes" or "No" to my question.

The stenographer repeated the question: "Did you make the address intending to do what you could to defeat Mr. Curtis' election for Mayor?"

Q. (By Mr. PROCTOR.) I would like you to answer "Yes" or "No."

A. I think I answered that before.

Q. Pardon me. If you have answered it before it cannot harm you to answer directly again. If you have not answered it before I wish you would.

A. I think I did answer it.

Q. You didn't answer it directly. I ask you to answer me "Yes," or "No."

A. I don't think I am obliged to do that.

Q. Oh, of course I shall not attempt to oblige you. I ask you, and if you refuse —

The CHAIRMAN. — The witness needn't answer that question.

The WITNESS. — I am very glad to say that I wish it was Mr. Curtis some other year, or this year some other man.

Q. (By Mr. PROCTOR.) I just want you to answer it or refuse to answer it — I don't care which.

A. I have answered it.

Q. I don't think you have.

A. It is a question of difference between us.

The stenographer repeated the question: "Did you make the address intending to do what you could to defeat Mr. Curtis' election for Mayor?"

The WITNESS. — I answered that by saying that I did the best I could to put it before the public that the same man who was nominated for Mayor had been counsel for the Commissioners.

Q. (By Mr. PROCTOR.) I suppose I ought to be satisfied with that.

A. Yes, if you please, Mr. Proctor.

Q. I think that is in the affirmative.

A. One thing more in regard to what was spoken of by Mrs. Evans. I would like to say one word in regard to the classification that is adopted in other countries, and which I think might be adopted here, of having entirely different buildings for the people who are in an institution — the different classes. They have in Germany a separate building for old men, a separate building for young men, a separate building for the sick. The men who are vicious are made to work, and when they are taken out they don't come in contact with the feeble, the helpless, or the sick. I don't see why such a method of classification as that could not be adopted here.

Q. Well, are those people not committed to those institutions?

A. They are.

Q. That is done by commitment?

A. Yes.

Q. That is, they are sentenced by a Court or some tribunal for the purpose?

A. That is done in Germany, but I am not sure that is in Birmingham, where the same method is adopted, having different buildings.

Q. Are you sure it isn't so?

A. No, sir, I am not. But it seems to me that it is a good plan to have such separate buildings, each isolated, with its own yard or enclosure, keeping the people apart in that way on the cottage plan. I think it has been advocated here by others, and I simply want to call it to your attention.

Q. But assuming that the City Council furnishes such a building as we have at Long Island, then what do you say? That we have to take what we get?

A. Oh, I say it increases the difficulties very materially.

RUPERT WILLIAM PARKER, M.D. — *Recalled.*

Q. (By Mr. BRANDEIS.) Dr. Parker, Mr. Proctor asked Mrs. Evans whether she had made any statement before you at that interview in June in the operating-room to the effect that she would make Dr. Cogswell smart for his action. I wish you would answer whether Mrs. Evans made any such remark to you?

A. Mrs. Evans never made any remark of the kind, never said anything of the kind. I never quoted her as saying it to any one.

Q. Dr. Parker, in the written statement or argument of Dr. Cogswell presented to this committee, he denied a number of things which you have stated in your testimony. I wish to ask you whether there is any statement in your testimony which you wish now to alter or correct?

A. There is nothing that I wish to alter but one slip of the tongue:

Q. Yes — what is that?

A. I said "trachea" when I mean "œsophagus." The trachea is the wind-pipe running from the pharynx down to the lungs, and the œsophagus is the tube that runs to the stomach, and I had in mind the œsophagus when I said "trachea." They seem to have made a great deal of talk about it.

Q. That was in connection with the death —

A. The bristle probang and the death of Lewis Herrick.

Q. Dr. Cogswell said in connection with Herrick something to the effect that you had misstated the cause of his death. What are the facts in that respect?

A. Dr. Cogswell was not there when Herrick died. He knew nothing about the case — didn't know that the man died at all until that evening, and I told him what the cause of death was. There was no autopsy held, certainly Dr. Cogswell knew nothing about it, and he, Dr. Cogswell, signed on the death certificate that the man died of accidental asphyxia — just what I said. Dr. Cogswell's statement, the greater part of it, is really from what he has learned since the beginning of this investigation; prior to this investigation he knew almost nothing about the management of the hospital and very little about the institution. I know that he stayed in his house about eighteen hours out of the twenty-four; that he seldom visited the hospital. When he did he would just walk down rapidly and through and up again, and it was the same way practically in the institution — only when the

Commissioners came: then he would seem to be on the alert to tell them something that he knew nothing about. I know on several occasions I have heard him tell Dr. Jenks things that were not so. I have heard him say that the temperature in the wards in the hospital was the same twenty-four hours around, when that very morning when I called them into the female wards the temperature was forty. That afternoon it was seventy-five. And he told Dr. Jenks it was the same all the twenty-four hours round.

Q. Dr. Cogswell has given several instances in his written statement showing that expensive drugs were purchased, ordered by him for the hospital. Do you remember those statements?

A. He spoke of the hydro-chlorate of cocaine. He said it cost \$102.40 a pound.

Q. And yet he ordered it?

A. The hydro-chlorate of cocaine costs \$80 a pound — that is what we have been paying for it. He spoke of a pound of it. Well, a pound of cocaine, if it were used at the same rate that it has been since I have been there, would last us just thirty-five years.

Q. In what quantity was it purchased?

A. A half an ounce, and during the seventeen months that I had been there we used just a quarter of an ounce of cocaine. That is, bought half an ounce and there was half of it left there when I came away. That would be \$1.25 in seventeen months.

Q. Then Dr. Cogswell referred to the fact also, showing that he didn't hesitate to purchase expensive drugs, that he had ordered sulphonal a large number of times, whereas iodoform was ordered only once?

A. No, aristol. Well, the facts are that we bought iodoform in three, four, and five pound packages.

Q. That was the cheap drug?

A. Yes, that was the cheaper and aristol was the more expensive, and of that we bought ounce packages, one ounce at a time. Out of eighteen requisitions we ordered it seven times — that was only seven ounces of aristol — while he speaks of ordering iodoform but three times. Why? Because iodoform came in larger packages — I won't say five-pound packages, but two, three, four, and perhaps five pound packages.

Q. And were there any other drugs?

A. Phenacetin he spoke of. We always got that in very small quantities, too, while acetanilid, which I do approve of and which is very fine thing, in my opinion, and much cheaper than phenacetin, I ordered in larger quantities, as it was much cheaper — not because it was much cheaper, but because I have gotten the same results from acetanilid as I do from phenacetin.

Q. Mrs. Evans testified, in passing, to the fact that prior to Stinson's coming in as deputy superintendent, the dining-room floor had been mopped and not scrubbed. Do you know whether that was the fact?

A. I know I never saw the dining-room floor mopped up until Stinson came.

Q. Mopped or scrubbed, you mean?

A. Scrubbed. Stinson remarked at the table that the place was filthy, that it took him three days to scrub the grease off the floor, that he had got it now, pretty clean, and that by scrubbing it quite frequently it would be quite respectable. I know the posts and the chairs were so that when you would pass through, that if you would touch your coat against the back of the chairs you would have a mark that wasn't very easily removed, from the grease. The place smelled of rancid butter, the walls seemed to be impregnated with it, until Stinson came, and until it was criticised by the Board of Visitors.

Q. Dr. Cogswell suggested in his written statement that you had not shown Dr. Putnam all the instruments?

A. That is not a fact, and Dr. Cogswell only says that from surmising. He wasn't there and so he doesn't know. Mrs. Evans was there at the time. I remember a week or so before I saw Dr. Putnam, Mrs. Evans asked me to show her the instruments. I went into the operating-room. There were no places in the operating-room where you could hide the instruments, and I am sure I didn't want to hide them. I showed her what I had, and she said, "Is this all?" and she pulled out the drawers and looked in, and that was all the instruments, and the same number was shown Dr. Putnam that was shown her.

Q. Now, there has been some testimony in regard to your statement that Dr. Cogswell had discharged syphilitic patients while in a contagious state. Have you anything to say on that?

A. When I was here I testified to things that I knew myself, that I was absolutely certain of. I knew, and I know now, that Dr. Cogswell did discharge the patients, but I was not right beside him when he discharged them. A patient, for instance, was discharged from the hospital, and I asked who discharged her, and the nurse would say, "Dr. Cogswell." I remember one afternoon there was a patient by the name of William Demick, whom I had been treating for a week or so previous to the time of his discharge, and he came in to me and said, "Dr. Cogswell has discharged me." I said, "Well, what for?" Well, it was for some little thing he did—I don't know exactly what it was—and he sent him to the city. The patient said to me, "Will you give me a prescription for some medicine? I know what this disease is, and I don't want it to break out on me." So I did. He was then in a contagious state, and Dr. Cogswell knew nothing about the patients, and knew very little about the hospital prior to the time that Mrs. Lincoln's article appeared and prior to the time that the Board of Visitors visited the place.

Q. You mean that letter of January 10 which appeared in the "Transcript?"

A. Yes, sir.

Q. You say this patient's name was Demick?

A. William Demick.

Q. What did he do on the island?

A. He was in the hospital, he was helping around in the kitchen, the serving-room of the hospital, washing the floors and doing general work around, and he did some little thing, disobeyed

some order, and Dr. Cogswell, without looking into his case, discharged him right off. He didn't know what was the matter with the man — at least I don't think he did, or he wouldn't have discharged him. As to the girl, Dr. Harkins spoke to me about her. I asked Dr. Dever if she was in a contagious state, and he said she was, and I asked the nurse who discharged her and she said Dr. Cogswell. I really know that he did discharge her, but I wasn't there when he did it, and that is the reason that I said under oath that I didn't know he discharged the patient.

Q. Did this Demick do any work about the barn?

A. He did when I first went there. He milked the cows, I believe.

Q. Was that stopped? Did he stop that work?

A. Well, I don't know how long he had been milking the cows before the disease appeared, but I don't think it was in a contagious state at that time — that is, it wasn't on his hands, the lesions, the syphilitic lesions. But I knew there was a case there of a man by the name of Bolton, who had the eruption of the disease on the palms of his hands, and he was engaged, and is yet, I believe, in milking cows.

Q. Dr. Cogswell stated, as suggested in his argument, that your testimony in regard to the abuses at Long Island was actuated by a feeling of disappointment at your not getting a vacation when you asked for it a year ago Christmas. Is that the facts?

A. Oh, that is not so. That couldn't be so. That is impossible.

Q. Well, how did you happen to go to the Commissioners and report on Smith in December of last year?

A. The affairs were getting on in such a terrible way down there that when we asked for anything for the hospital, or would make a requisition on Smith, he would say to Dr. Cogswell that he didn't think we needed that in the hospital, not knowing anything about it, and Dr. Cogswell would say, "Well, don't send it over." We were short of everything, and he used to send back verbal messages which were not very gentlemanly. I complained of it to Dr. Cogswell, I remember, at one time. I said I didn't think it was the right thing to have a man who was almost continuously under the influence of liquor dictate to the physicians as to what they should have or should not have in the hospital. And he said, "Young man, you be careful what you say," and I knew that it would be of no use for me to make that complaint. The complaint was too important, in fact, to make it to Dr. Cogswell. He said I didn't think it was of enough importance to make it to him, but, indeed, I thought it was too important to make to him.

Q. Well, you said that the requisitions had not been complied with. What requisitions do you refer to?

A. Oh, the requisitions on the store. There hasn't been any complaint to speak of about the requisitions made for supplies for the hospital from the city — that is, the medicines or the instruments. They haven't amounted to anything. The great complaints that should have been and were made were about the requisitions for supplies for the hospital from

the store — such as slippers, stockings, sheeting, cloth, cotton, and so on — anything that we needed from the store. I know that they kept down in the store piles of this flannel stuff and cotton, and when the Commissioners would come down, they, not knowing the details of the management, would see it there and would say and would think that they always had enough on hand, but Dr. Cogswell would never allow it to be sent over until Mrs. Evans came on the afternoon of the 8th of January. When Mrs. Evans was speaking about the flannel, Dr. Cogswell heard about it, and quite soon, very soon, there were pieces of flannel in the hospital.

Q. Dr. Cogswell stated that the total shortage of milk had only been 400 quarts?

A. That is not so. I know myself that in one week, seven days, there were over 400 quarts of milk short. We were ordering at the time about 104 or 105 quarts of milk a day and we were not getting half of that, and we went on for several — well, two weeks it went on fully, and I spoke to the cook about it. She said that the requisitions were of no importance, that no one ever looked at them, that Dr. Cogswell just took them and shoved them in a drawer, never looked at them, and so when they came up she took the requisition and put down the amount delivered, whether it corresponded to the actual amount or not. Everything is run — I won't say it is now, but everything was run in a loose and careless way. When I went there I was determined to suit Dr. Cogswell. I had heard a good many stories, but wouldn't listen to them at all. I was determined to suit him and do my duty as well as I could. But I knew he ran down everybody that had been there, and he said he didn't want these people having this and that, he didn't want those babies having Mellen's Food, that it was too expensive, that it was all right for babies of another class but that they could get along on milk just as well as not. In fact, he said, "We have nothing here but a lot of animals." He made that statement. I remember one afternoon Dr. Cogswell called me down to the closets, the water closets, and he said, "Look there," and I looked and I saw a tobacco spit in the corner. I said, "Well, doctor, if you can invent any way to prevent the men from spitting on the floor I would like to know what it is." In walking up through the wards he said, "Well, you see we haven't anything here but a lot of animals — the majority are," he said, and I didn't think that was a very nice statement for a superintendent, who had the welfare, as he says, of the people at heart, to make.

Q. Well, now, did you have any unpleasantness of any kind with Dr. Cogswell before you testified here?

A. No, sir. He was always very indifferent. Whenever we consulted him about anything he would give us such a queer answer, kind of half in joke, and it seemed inconsistent — his answer to anything.

Q. Well, did you have any unpleasantness with him, any quarrels with him?

A. No, sir; none whatever.

Q. Did anything happen that would create a grudge between you and him?

A. Nothing whatever, nothing. Of course Dr. Cogswell wanted Mr. Smith there, and he didn't like it very well when I testified against Mr. Smith's drunkenness. Mr. Smith's friend was Mr. Hall, and he didn't like it very well when I reported the fact to him that Hall was under the influence of liquor, and that Hall was carrying the liquor over and giving it to Smith. He scoffed at the idea. That was the beginning of any little trouble at all. We never had any trouble, but I know that was the beginning of it. It was not because I didn't get a vacation. I remember that just before Hall left they had him down in the receiving-room. Smith was breaking him in, as it were. He was to be tally clerk, and Mr. Smith was to be deputy until the complaints against Hall were so often that they had to get rid of Hall, and finally get rid of Mr. Smith. I had nothing at all against Smith.

Q. Well, did Dr. Cogswell place confidence in you?

A. Yes, sir, he did.

Q. Did he criticise your work?

A. He never criticised anything that I did. He never reprimanded me for anything.

Q. That is, prior to the time you testified?

A. Prior to this investigation. In fact, always praised me, if anything, and I remember when he spoke of coming up here the first time he said he knew I took great interest in the institution and he could leave it in my charge and know that everything was all right.

Q. That is, when he came up?

A. When he used to come up every day, and I had charge, and when the deputy was sick, he said "I would like you to go over to the institution and see that everything is all right. There is a new man over there acting deputy, and I wish you would see that everything goes on all right." And I did, and he seemed to be pleased about it when he came home. He never reprimanded me prior to this investigation — never.

Q. Never showed any distrust of your ability?

A. Never; in fact, told Dr. Jenks I was doing first rate, etc., and Dr. Jenks told me, probably to encourage me. Dr. Jenks also told my brother that he recommended me for promotion to him.

Q. You mean when you were promoted?

A. When I was promoted from second to first assistant.

CROSS-EXAMINATION.

Q. (By Mr. REED.) Doctor, what was the subject of your conversation with Mrs. Evans that day in the operating-room?

A. Well, Mrs. Evans said she had heard that I had made some complaints about a nurse, and that the nurse, in answer to the questions, made some insinuations that would not sound very well, and that they had decided, or she heard that they had decided, that I was going to be dismissed, and she came down to inquire the facts.

Q. Then the subject of your conversation was a complaint made by you against the nurse — is that correct?

A. Well, that was the origin of it.

Q. That was the origin?

A. That was the origin of it, but —

Q. That is an answer, doctor. I will now ask you another question. You heard Mrs. Evans testify on the stand that the subject of your conversation was a base plot against you, did you not?

A. Yes, sir — no, I didn't; never heard her say that.

Q. Didn't hear her say that or use that phrase at all?

A. This evening?

Q. Yes, sir; or this afternoon.

A. No, I think she said "A trumped up story, or something of the kind."

Q. Against you. Well, that couldn't be the charge you made against the nurse, certainly. That wasn't trumped up, was it?

A. Not at all.

Q. The charge you made against the nurse was a proper charge?

A. Most assuredly.

Q. Now, let me ask you, doctor, if you ever had a chance to substantiate the charge which you made against that nurse?

A. I have never had a chance, because it wasn't investigated in a proper manner. I wasn't given the chance.

Q. You never had any chance, then?

A. Never had any chance, because I say it wasn't investigated in a proper manner.

Q. Well, that is your opinion, of course. Now, do you know what became of that complaint after you filed it with Dr. Cogswell?

A. I think it was sent to the Mayor, at his request.

Q. Do you know that it was sent to the Mayor at his request?

A. Only from what the Mayor said.

Q. Did he tell you it was sent at his request?

A. He did.

Q. By whom?

A. What do you mean?

Q. By whom was this charge of yours sent to the Mayor?

A. Well, do you mean by whose request, or who took it there?

Q. I asked you whom?

A. I don't know.

Q. You don't know?

A. I do not.

Q. Then you don't understand that the Mayor asked Dr. Cogswell for that written charge which you made?

A. I do not.

Q. Do you know what Dr. Cogswell did with that charge?

A. I do not.

Q. Don't you know that he sent it to the Commissioners?

A. Oh, let me tell you about that.

Q. Well, answer my question.

- A. I made out three of them —
- Q. I asked you a simple question, doctor?
- A. He got one, the Commissioners got one, and Miss McNamara got one.
- Q. Will you please answer my question?
- A. What was the question?
- Q. Didn't Dr. Cogswell send this written charge you made to the Commissioners?
- A. He sent one of them.
- Q. Do you know what action the Commissioners took upon that?
- A. I don't believe they took any.
- Q. Didn't they visit Long Island and have a hearing?
- A. I beg pardon — I thought you meant the result. Yes, they did visit Long Island.
- Q. How many times did they come to Long Island?
- A. I should think fifteen, perhaps — yes, fifteen, I should think.
- Q. About fifteen times?
- A. Yes.
- Q. They called you before them, did they not?
- A. Yes, sir.
- Q. How many Commissioners were there?
- A. Two.
- Q. They asked you questions concerning this charge, did they not?
- A. Yes, sir.
- Q. You answered those questions?
- A. Yes, sir.
- Q. What was the charge that you made against the nurse?
- A. There were several.
- Q. Name one of them?
- A. That she was of a fighting disposition and had not only fought with me but had been fighting with two other nurses, and she kept the wards in an uproarious condition, which I considered not right, and that she abused me and assaulted me.
- Q. Yes — you charged her with assaulting you?
- A. Yes, sir.
- Q. And the Commissioners heard all the evidence that you desired to offer on that charge, did they not?
- A. No, sir.
- Q. Did they refuse to hear any of your evidence?
- A. Yes, sir.
- Q. Did they refuse to hear you?
- A. Yes, sir; on some points.
- Q. How long were you before the Commissioners testifying?
- A. Oh, probably twenty hours or more.
- Q. And still you didn't tell it all?
- A. They wouldn't allow me. But they told her she could make any complaints she wished, while I had to stick right to the point.
- Q. Well, how many witnesses did you call?
- A. I called about eight, and the most important one, the one that would substantiate everything, was not called at all, and they made believe they made a mistake, but it was a mistake that —

Q. Who made believe that they made a mistake?

A. It was said afterwards it was a mistake.

Q. Who made the mistake — the Commissioners?

A. I don't know whether it was the Commissioners or whether it was Dr. Cogswell.

Q. Well, did Dr. Cogswell testify there?

A. He didn't testify to it; no.

Q. But you testified for twenty hours and called eight witnesses?

A. Yes.

Q. And still you didn't get in all the evidence?

A. Well, it was carried on in such a way —

Q. That isn't the question?

A. When they brought in a witness I was sent out of the room, and they asked the witnesses so and so, some little minor point that didn't refer to that at all, and then dismissed the witness. That is not the way to carry on an investigation.

Q. You don't think they gave you a fair investigation?

A. They did not, although I don't want to bring up the subject now. But the investigation was not fair.

Q. It was a sort of star chamber proceeding?

A. Yes.

Q. Now, what charge did the nurse make against you?

A. Well, she said about everything she was told to.

Q. Who told her?

A. Well, Dr. Cogswell didn't tell her exactly what to say —

Q. I didn't ask you who didn't tell her: I asked you who did tell her?

A. But Dr. Cogswell told me —

Q. Now, please answer my question. You say she said about everything she was told to. Now, I want to know who told her to say things there?

A. Well, she was told by Dr. Cogswell that she had the liberty to make any charges she wished.

Q. Well, wasn't that proper? Didn't she have that liberty?

A. Yes, and she was further told —

Q. Were you told by Dr. Cogswell that you had the liberty to make any charge you wished?

A. No, she was there to answer to the charges I made.

Q. And you made the charges without consulting Dr. Cogswell then?

A. Oh, no.

Q. The charge you made you made without consulting Dr. Cogswell?

A. No.

Q. Did you consult him before you made the charge?

A. I did.

Q. What did he say?

A. He said he would see. He went up town and consulted you, I presume, and the Commissioners.

Q. How do you know he consulted me?

A. Well, I know you consulted Miss McNamara.

Q. How do you know that?

A. She said so.

Q. At that hearing?

A. No, not at that hearing — she said so — well, yes, at one of the hearings.

Q. Well, now, will you come back to my question, if you have got through with your humor, and tell me what Dr. Cogswell stated to you when you told him you had a charge to make?

A. He said, "Well, we will see about it," and then went up town. Then he came back next morning, and he called Miss McNamara in the office and had a long talk with her and then came out to me.

Q. That is not responsive to my question. I asked you what Dr. Cogswell told you. You can answer that question?

A. Told me to put my charge in writing.

Q. And you did that?

A. I did.

Q. He transmitted the charges to the Commissioners and then there was a hearing which you say was an unfair hearing?

A. I do.

Q. Now, come back to the other question that I asked you and which you have not answered yet. What charge did Miss McNamara make against you?

A. Well, she said that I used vulgar language before the patients, and that I used profanity, and she said — well, she made some charges that I don't care to say here. They are not fit — unfit; they were too contemptible, and they were made by —

Q. Well, you refuse to state, then, what those charges were?

A. I don't refuse.

Q. Why don't you state them, then?

A. I say they are not fit. The charges she made were too contemptible, and they were made by too contemptible a person for me to answer them. They were not substantiated, and not a word said by any of the witnesses about them. No person knew anything about them. They were trumped up, concocted, and I don't feel like saying them here. I don't refuse, though.

Q. (By Mr. BRANDEIS.) What was the question?

A. He wanted me to tell him the complaints Miss McNamara make about me. She didn't make them in writing at all.

Mr. BRANDEIS. — Well, I object, there is very little time left.

The CHAIR. — What do you mean by that?

Mr. BRANDEIS. — I mean that we haven't longer than until four o'clock to-morrow morning. There is very little time left and we wish to confine it to evidence that has some bearing on this investigation. Dr. Parker's record is hardly under investigation here. He is not at present connected with the institution, and so far as he was connected with it his connection has been discontinued. The fact of a long investigation that may have been made at which Dr. Parker made charges and at which charges were made against him I know nothing about and I don't care to go into. We have very little time at our disposal.

Q. (By Mr. REED.) Wasn't the name of another physician

mentioned to Mrs. Evans at the conference between you and her in the operating-room?

A. Only that I said that I had brought witnesses in and got their testimony and had witnesses there to hear their testimony — Dr. Leach and Dr. Douglass — and I had a memorandum of their testimony.

Q. Well, at this interview with Mrs. Evans didn't you tell her what the charge was that Miss McNamara made against you?

A. Yes, I did.

Q. And didn't you mention the name of another physician to her.

A. I presume Dr. Cogswell's name figured in it quite conspicuously.

Q. Didn't you mention the name of another of the doctors?

A. Dr. Dever, perhaps.

Q. Didn't you mention the name of another doctor?

A. Perhaps Dr. Harkins.

Q. Didn't you mention the name of another doctor?

A. I don't believe I did, I don't remember.

Q. Well, now, didn't you give your explanation of that charge made by Miss McNamara to Mrs. Evans at that time?

A. I think so. Do you mean Dr. Noyes?

Q. I mean Dr. Noyes; yes, sir.

A. Yes, his name was mentioned.

Q. Now, didn't you tell Mrs. Evans what the charge was that Miss McNamara made against you?

A. I did most likely — no, I didn't tell her exactly about the charges that Miss McNamara made, I said she was allowed to go on and talk that way.

Q. Well, did you or didn't you say anything to Mrs. Evans?

A. I don't know as I —

Q. Did you or didn't you say anything to Mrs. Evans? That is a simple question. Answer yes or no. You either did or did not. Answer yes or no?

A. Yes — that it wasn't a legitimate charge that Miss McNamara made.

Q. Yes. Didn't you also explain to Mrs. Evans about that charge?

A. Not at that time.

Q. You didn't?

A. No, sir.

Q. You didn't give any explanation of your own about this affair which Miss McNamara turned into a charge against you — didn't give any explanation of that?

A. I don't believe I did at that time.

Q. Didn't you tell Mrs. Evans what your explanation was, and didn't you tell her that Dr. Noyes would substantiate your statement?

A. I don't believe I did at that time. I did later on.

Q. Did at some time?

A. At a later time — I think I wrote to Mrs. Evans.

Q. At all events, you did at some time?

A. I did at some time.

Q. And you gave her the name of Dr. Noyes who would substantiate you?

A. Yes, I did.

Q. Don't you know Mrs. Evans wrote to Dr. Noyes in regard to the matter?

A. I think she did.

Q. Do you know what reply she received?

A. I do not. I know I received a reply from Dr. Noyes.

Q. You did. What was it?

A. Saying that he remembered the time that I asked him to come into Miss McNamara's room when she was ill. That he remembered it perfectly well.

Q. Well, don't you know that Dr. Noyes telegraphed to Mrs. Evans?

A. Yes, I think he did. I don't know it. I think he did; he said so.

Q. Well, what did he telegraph to her?

A. I don't know.

Q. Well, now, don't you know that Dr. Noyes telegraphed to Mrs. Evans that he wasn't on the island at that time?

A. No, I do not. I don't know. I don't believe he did.

Q. Now, if Dr. Noyes says he did?

A. He is mistaken.

Q. You say he is mistaken?

A. He is mistaken. He probably didn't understand what was wanted and he made a mistake, for I have a letter from Dr. Noyes, saying that he got a letter from Mrs. Evans, and that he didn't exactly understand what it meant.

Q. Well, you told Mrs. Evans that you took Dr. Noyes in to see the nurse, didn't you?

A. Yes, I did.

Q. Well, she complained of you — that you made improper advances to her, didn't she?

A. Yes, she did.

Q. Now, have you given us all the conversation that you had with Mrs. Evans that day?

A. No, I don't believe I have and I don't believe I can, all of it.

Q. Well, cannot you give us a little more of the conversation about Dr. Cogswell?

A. I don't believe Dr. Cogswell had very much to do with this conversation.

Q. I thought you said he figured quite extensively in that conversation?

A. Yes, he did. I told Mrs. Evans that the morning Dr. Cogswell returned from town he reinstated Miss McNamara right away, without seeing me at all. I went to Dr. Cogswell —

Q. You had discharged her then?

A. No, I suspended her until Dr. Cogswell came home. She was in a state of intoxication at the time and raving around the wards there, and so I suspended her and told her to go over to

the other side, to the institution, or stay in her room, until Dr. Cogswell came home. He came home, saw Miss McNamara in his private office, and told her —

Q. This is a conversation you had with Mrs. Evans?

A. Yes, I told Mrs. Evans, and I told Mrs. Evans about how he acted towards me.

Q. Well, is that why she was going to do something to make him smart, because he acted that way?

A. Mrs. Evans never said anything of the kind and I never told anybody she said so. I swear that. It is a concoction of somebody's.

Q. Well, if anybody heard it?

A. Nobody overheard it, because they couldn't have.

Q. You think if it was overheard that it must have been somebody besides you?

A. It was the origin of somebody's bad mind.

Q. Must have been some person other than you, when Mrs. Evans made that remark?

A. Well, you hear all sorts of remarks down there.

Q. That is a fact, isn't it, — must have been somebody else?

A. Must have been somebody else.

Q. Who else was in that room?

A. Nobody overheard us, because it was not said.

Q. Well, at that interview Mrs. Evans advised you either to leave the island or resign, didn't she?

A. No, Mrs. Evans said —

Q. Did she or didn't she?

A. She said, "What will you do if you are discharged?"

Q. Answer the question.

A. She didn't advise me one way or the other.

Q. She didn't? Of course you want to change your testimony about the bristle probang and the trachea, as I understand you?

A. It was just a slip of the tongue.

Q. Well, then you want to change it?

A. Change the word "trachea" to "œsophagus."

Q. Of course, I am not a physician and don't understand these things.

A. No, if you were you wouldn't make such a point as that.

Q. Why, would you put a bristle probang down a man's trachea?

A. No, but the trachea and œsophagus are so near related, so near each other.

Q. Well, answer the question — you did say it and you want to change it?

A. Yes, I want to change it.

Q. If you did say that you put a bristle probang down a man's trachea you want to change it?

A. Yes, sir; I do.

Q. That is all right. That straightens the record. Do you remember for what purposes you said you would use that bristle probang if you had it?

A. To remove a piece of meat from the gullet of a man who

choked to death—an old man, very feeble, who wasn't able to get up and who was getting boiled beef, a house diet, to eat, and there was no nurse on duty at the time and he choked to death. I said I would have used it to pull up that piece of meat that had gotten into his gullet.

Q. You said you would have taken a big piece of meat out with your fingers or a pair of forceps?

A. Yes, sir.

Q. And there might have been a smaller piece farther down and you would have taken that out with the bristle probang?

A. Yes, sir; it would have done no harm to put the bristle probang down into the gullet or œsophagus.

Q. That is what it is for?

A. Yes, sir,—no harm to put it in the trachea if you could get it there. I believe it was said here that if you put the bristle probang into the trachea it would kill a man. That is not so.

Q. Well, you don't mean to say that you would have needed a bristle probang for a small piece of meat in a man's œsophagus?

A. If the small piece of meat was right down near the epiglottis, which closes the trachea, it would cause a spasm of the epiglottis which closes the trachea and keep it closed, and the man would be asphyxiated. When a man drowns, it isn't the water that necessarily gets into his lungs, but it is the action of the water on the epiglottis, which causes a spasm and contraction, preventing the air getting into his lungs, not because the water is poisonous at all.

Q. Meat isn't poisonous, is it?

A. No, but a foreign body will irritate the epiglottis and keep it closed up so that the air cannot get down into the lungs.

Q. Now, you think if you had a bristle probang you might have saved that man's life?

A. Yes, sir; I do.

Q. Because you think there might have been a small piece of meat farther down?

A. There must have been, because as soon as we removed the other his heart was beating. The epiglottis would have relaxed and we could have performed artificial respiration, and by interjecting under the skin the proper stimulants, respiratory stimulants, etc., he would have recovered.

Q. Well, you did all that?

A. Did all that.

Q. And all you lacked was the bristle probang?

A. The bristle probang for the piece of meat which acted as a foreign body, to take it out of the gullet.

Q. Well, did you ever order a pound of cocaine?

A. No, sir; never did.

Q. Or a pound of aristol?

A. No, sir. Dr. Cogswell, to misrepresent things, put down how much it was worth by the pound. They didn't figure on a pound.

Q. Do I ask you about that?

A. No, but that is the reason I have referred to it to-day.

Q. Why do you interject it, then, when you will have plenty of time to explain?

A. That is why I speak of it.

Q. You might answer my question, and then perhaps Brother Brandeis wouldn't object to our taking up so much time. Then your failure to get more cocaine was because you didn't order it. You got all you wanted, didn't you?

A. Oh, yes, there wasn't any complaint about it at all.

Q. And did you ever order an ounce of aristol any time?

A. Often ordered an ounce of aristol — not over an ounce.

Q. And how much cocaine did you order at a time?

A. A half an ounce.

Chairman HALLSTRAM in the chair.

Q. Do you remember when Deputy Stinson came?

A. I think it was about the 13th of February.

Q. Well, he is there now, isn't he, or was?

A. Was when I left.

Q. This nurse left before you did, didn't she, this Miss McNamara?

A. Oh, yes. She left when I was on my vacation.

Q. Well, when did you leave?

A. I left there the first of December.

Q. Well, now, in speaking of the requisitions, you say that your complaint was of the requisitions for articles from the store?

A. Yes, sir. That was the chief complaint. We couldn't get anything.

Q. Then you make no complaint in regard to the requisitions which went to the Commissioners?

A. Oh, yes, I do, because a great many of the things we couldn't get. It isn't the mere fact of not getting them. If when I ordered them Dr. Cogswell would come to me and say, "That isn't necessary," that would be all, but when I was expecting things nothing was said and nobody seemed to know anything about it, and he wouldn't say he crossed it off or that it wasn't necessary.

Q. Did he cross it off?

A. He says in his testimony he did.

Q. What do you say about it?

A. I know we didn't get the things.

Q. You have read his testimony?

A. Yes, sir.

Q. Is it correct in regard to the things that were crossed off?

A. Yes, sir.

Q. Then you agree with his testimony in that regard and with the report of the committee?

A. Dr. Cogswell says he crossed off some of the things, and I know we ordered the things and we didn't get them. So as far as that goes it is right. It is correct.

Q. Dr. Cogswell, you say, referred to the inmates down there as animals. Now, of course, you never applied any such terms as that to the inmates, did you?

A. When he said it I might have said "yes," or nodded my head, or said nothing.

Q. Well, that is the only time that you referred to them by any such name as that, is it?

A. I never referred to them as animals.

Q. You never did?

A. I never did.

Q. Well, that isn't your custom — to refer to people by any such names as that?

A. No, it is not.

Q. Do you remember an occasion when some of the aldermen visited Long Island — of the remark you made about them when they had left, when you were at the table?

A. A remark that I would make about the aldermen?

Q. That you did make about the aldermen?

A. I don't remember it, because I don't think I would make any remark about them, unless I would say that the aldermen were down.

Q. Well, you don't remember the day that you had beans for the next meal after the aldermen left, and, when the servant brought the beans in, of a remark which you made to her?

A. Never.

Q. That has passed from your mind if you ever made it?

A. That has passed from my mind. Perhaps it never passed through my mind.

Q. Perhaps not.

A. If you will tell me what the remark was, perhaps I can tell you whether I ever said it or not.

Q. Yes, I will: "Annie, did the 'Turks' get their beans?" Now do you remember it?

A. Meaning the aldermen?

Q. I mean the remark. Does that recall it to your mind?

A. I never remember making such a remark as that.

Q. You don't remember such a remark as that?

A. Meaning whom?

Q. You don't remember the remark?

A. I don't remember making any such remark as that.

Q. And you don't remember being asked by some person at the table to whom you referred, and in reply to that question mentioning the names of two of the aldermen who had been there that day?

A. Why, that is absurd.

Q. That isn't true, then?

A. Why, no; no, indeed.

Q. If any official of the institution has made that statement then, it is false?

A. Yes, by all means, by all means.

Q. How did you refer to Mrs. Cogswell in speaking of her at the table?

A. Well, now, we may have had some jest there at the table, some little pet name that we called everybody, in fact, — some little pet name.

Q. You may have called the aldermen "Turks"?

A. No, because they are not, but I know that we spoke of the

superintendent as "Uncle Charles," and talked that way just in fun.

Q. And what did you call his wife?

A. "Marguerite," I think.

Q. Is that all?

A. That is all.

Q. You didn't call her "Mag"?

A. Well, I don't believe we did.

Q. You don't?

A. I don't believe I did. Some of the others may have.

Q. You don't believe you said, "It is quite a drop for Mag from the Parker House to McDonald's"—you don't remember that?

A. No, somebody else did, though.

Q. What?

A. Somebody else did who was there at the time.

Q. But you didn't?

A. No, somebody else did. I didn't, because I heard that day that Mrs. Cogswell was dining at McDonald's. And that is how I came to hear it. That remark was made.

Q. But wasn't made by you?

A. Oh, no; no, indeed.

Q. And you never said, with an oath, at the table, that you didn't care for Cogswell?

A. Oh, this is really absurd.

Q. Well, it isn't true, is it?

A. Mr. Chairman, this is—

Q. (By the CHAIRMAN.) You can answer the question, Dr. Parker.

A. I never remember saying any such thing.

Q. (By Mr. REED.) Will you swear you didn't?

A. I won't swear I didn't because I may have said it.

Q. Well, you won't swear that you didn't make the other remark?

A. I will swear that I didn't make the other remark.

Q. Well, do you remember of making a remark in regard to one of the aldermen who visited the institution and afterwards said that there were no bed-ridden patients in the infirmary? Do you remember what you called him?

Mr. BRANDEIS. — Mr. Chairman, I think this can hardly throw any light on the investigation.

Mr. PROCTOR. — It throws light on the witness—a great deal of light on the witness.

Mr. BRANDEIS. — It does not relate to the investigation.

Mr. RILEY. — We may have to throw some other light—on counsel.

The WITNESS. — If Mr. Reed will take the stand and allow me to cross-examine him about the remarks he made, not only about the aldermen but about counsel here and the witnesses, I shall be willing to state any remarks I have made.

Q. (By Mr. REED.) Is that any reason why you shouldn't state the remarks?

A. No, I don't remember the remarks.

MR. BRANDEIS. — This certainly can have no possible bearing. Any remarks the witness might make would have no bearing in the first place, and he says he did not make them.

MR. PROCTOR. — This witness is the principal witness in this investigation in reference to Long Island.

MR. RILEY. — When did you find that out?

MR. PROCTOR. — You have posed him as such.

MR. BRANDEIS. — He is a very important witness, but what difference does it make whether he called Mrs. Cogswell Marguerite, or didn't? That hardly bore on his credibility and hardly bears upon him in any other sense, except as touching his sense of humor, perhaps. It was done in private.

MR. PROCTOR. — That isn't all.

MR. BRANDEIS. — That is the kind of questions being put to him, and it seems to me you are frittering away time that is valuable, if nothing else.

MR. REED. — Well, the witness had made certain statements in regard to the treatment he has received from Dr. Cogswell. I simply want to show how he has reciprocated it.

MR. BRANDEIS. — I don't think the question of how he has reciprocated has any bearing on the question whether the institutions are well managed or not. It cannot bear on the credibility of the witness, and we are not trying Dr. Cogswell. We are trying to find out whether the institutions are properly managed or not, and a question whether at the table some one of the officers may have referred to the fact that the superintendent and his wife dined at one hotel or restaurant or another can hardly have a bearing on this question.

MR. PROCTOR. — It is merely competent on the question of bias.

MR. BRANDEIS. — Does it show anything of bias if you make a humorous remark about a person going to one hotel or restaurant rather than another?

MR. REED. — You call it humorous. We call it disrespectful — disrespectful to his superior.

MR. PROCTOR. — Of course, if you admit that he was disrespectful —

MR. BRANDEIS. — I don't admit that he was disrespectful. Of course, whoever said it, the remark may not have been in particularly good taste, but it hardly bears on the credibility of the witness.

MR. REED. — I believe the witness has answered all the questions I have asked him up to date.

MR. BRANDEIS. — Then this argument. I suppose, we are having as a substitute for the final argument, instead of considering the question of the admissibility of evidence.

MR. REED. — I am glad to know that that is your position, as we shall have more time when it comes to closing the case if you are making your argument now.

Q. Do you remember, doctor, at one time, when you were about to perform an autopsy at Long Island, that you invited one of the officers to be present?

A. One of the nurses.

Q. One of the nurses?

A. One of the male nurses.

Q. Well, what did you say to him about the superintendent's knowledge of medicine and surgery?

A. I never said anything to any one about the superintendent's knowledge of medicine or surgery? It is a little bit below me. I wouldn't make any remark about anybody's knowledge, especially a physician, as it is something we are supposed not to do and we don't do it — I know I don't do it, although it has been done by others.

Q. The physicians are supposed to stick together?

A. Yes, sir; — that is, as far as medicine is concerned, and to speak the truth. But as to speaking of a man's ability it would be only a matter of opinion and I should never venture such a thing as that.

Q. You would not venture an opinion, then, of that kind at the table?

A. No, sir.

Q. At Long Island?

A. No, sir.

Q. Well, don't you remember at this time that you said they had better invite the deputy to attend — that you thought it would be a good idea to invite the deputy?

A. I may have said so after it was over, speaking of it. Not before.

Q. Not before.

A. No, because I didn't get permission to do it until in the morning about 9 o'clock. That was after breakfast, and we did it that morning, and I didn't know that I was going to do it the night before.

Q. Well, after you knew you were going to do it didn't you say that you thought you had better invite the deputy to be present?

A. After we did it?

Q. No, before you did it.

A. I don't believe I did. I wouldn't put much reliance on the deputy.

Q. Well, didn't you say the deputy knew more medicine than the superintendent, and was that not the reason you gave for inviting him to be present?

A. No, sir; never, never, never. Why, the deputy isn't mentally balanced.

Q. (By Ald. LEE.) Is he there now?

A. Yes, sir; there now. The man isn't mentally balanced — it isn't his fault — it is his misfortune.

Q. (By Mr. REED.) Is the deputy before whom you made the remark there now?

A. I never made the remark, if it is Deputy Stinson you mean — the man isn't mentally balanced.

Q. That isn't the man I mean.

A. Do you mean Mr. Smith, Dr. Cogswell's friend?

Q. I mean a former deputy.

A. We have had so many deputies here —

Q. It isn't material what the man's name is, but do you say you didn't make any such remark?

A. I never made any such remark. I am sure of it.

The CHAIRMAN. — Any questions from the committee? (No response.)

The WITNESS. — Mr. Chairman, I just want to explain about that Miss McNamara affair. The morning after I had made the charges Dr. Cogswell came down, and he said to Miss McNamara, in his private office —

Q. (By the CHAIRMAN.) Were you there, doctor?

A. I was in the next room.

Q. Could you hear what they said?

A. Yes, sir; that if Miss McNamara could make any charges against me that I would be the one to go and not her; and then he asked her if she couldn't see, or if she hadn't seen me drunk at any time, and she said no, she couldn't say that. Then he says, "Well, the women in your ward are of a loose character; can't you get some of them to say something?" And she says, "I don't know; perhaps so." And I got out of the office. I was afraid at the time that they would come out and see me there, and know that I heard. Miss McNamara afterwards told one of the officers on the island that Dr. Cogswell said that, also, and that officer will be willing to come here and state the facts. After that, when Miss McNamara came out of the office, Dr. Cogswell went down through the wards.

Q. (By Ald. LEE.) What is the officer's name?

A. Mrs. Stevens.

Q. What is the full name?

A. I don't know her first name. She was housekeeper at the time.

Q. Where is she now?

A. I think she is in the House of Detention.

Q. Where?

A. I think in —

Q. The tombs?

A. In the Tombs. She came out and said that Dr. Cogswell said that if she could get something against me I would be the one to go and not Miss McNamara. Dr. Cogswell then went down through the wards and told those women, those people down there, told one of them, that he knew all about it, knew all about it, and told her that he wanted her to say this and say that, and I got them to come in later on — got Dr. Leach and Dr. Douglass as witnesses, and took down the testimony, what they said. One said that Dr. Cogswell said he knew all about it, and he wanted her to say that Dr. Parker had something to do with one of the inmates — and all such stories as that.

Q. (By the CHAIRMAN.) Anything more, doctor, that you want to say?

A. No, sir.

The CHAIRMAN. — Has any member of the committee any question to ask? (No response.) That is all, doctor.

THE WITNESS. — I wanted to say, Mr. Chairman, that Mrs. Evans never asked me to come here to testify, that no individual of this committee ever asked me to testify, that Mrs. Lincoln never asked me to testify, and that the time last Christmas when I came up, the time that they speak of the vacation that I asked for, I went to my brother and told him just about how things went on, and he said, "You go up and see Dr. Jenks." He said, "He is a good, straight, honorable man, and he will rectify everything." I went up to Dr. Jenks, and the three Commissioners were there, and I told him about Mr. Smith being drunk. I told him about Dr. Cogswell not taking any stock in what we said or any of our orders, and the way things were managed. Dr. Jenks said for me to go down to Long Island and to make any complaints I had in writing to Dr. Cogswell, and if he didn't consider them, if I didn't get any redress, then to send the complaint to him. The next morning he saw my brother and told him that I had been there with complaints and that I would have to substantiate those complaints or get out. I received a notice three or four days later from my brother not to make the complaints, and that is the reason I didn't make the complaints.

THE CHAIRMAN. — Is that all, doctor?

THE WITNESS. — Yes, sir.

REDIRECT-EXAMINATION.

Q. (By Mr. RILEY.) Did you have any conversation with any of the counsel on the other side with reference to your testimony and the testimony of Mr. McCaffrey?

A. The day before I first testified here I called at Mr. Reed's office, and they asked me what I could deny in Mr. McCaffrey's testimony. Well, I said what I could deny didn't amount to anything — it was only the dates, that is, for instance, if an occurrence happened on the 7th and McCaffrey said it was on the 5th; and they said McCaffrey had injured himself more than he had anybody else, at least that they would make it so. That he wouldn't make very rapid strides on the police force.

Q. Who said that?

A. Mr. Reed said that, and he wanted us to all stand together, and if we didn't stand together he would turn the hose on some one whom he said was at the bottom of the whole affair. He said that he knew, and the Commissioners knew, that Dr. Cogswell wasn't the right man for the place. He said when he was down there he could see how things were himself, but he said he wanted us to all stand together so that we could make a case out of it. He said he noticed the way he treated Dr. Dever — the way Dr. Cogswell treated Dr. Dever and myself — and that he didn't blame us at all for not sticking by Dr. Cogswell. If I was the only one making any complaints against Dr. Cogswell, I would consider right away that I was in the wrong, but every physician that has been there that I know of couldn't get along with him. There is hardly an officer on the island that really has his good-will. They may say so to him, and may to you, but they are all really working against him, as it were.

Q. Was that all?

A. I beg pardon?

Q. Was that all?

A. I think so. Oh, we got Dr. Dever in there. He asked Dr. Dever to go on the stand. Dr. Dever said there was nothing he could say for their side that would help their side any. So they haven't called him.

Q. That conversation was in your presence and hearing?

A. Yes, sir.

Q. Now, how did Mr. Reed connect Mr. McCaffrey's testimony in this investigation with his future prospects for advancement on the police force?

A. Well, he said that he had been in the Board of Aldermen himself, and he knew the workings of the whole affair, that he knew all about city affairs, and that the Commissioners of Public Institutions were always on terms with the Police Commissioners, and I presume that is what he meant.

Q. Was anything said about the Aldermen?

A. Nothing that I would care to say.

Q. Well, I didn't ask you whether you would care to say it or not. I asked you a simple question — was anything said about the Aldermen?

Ald. LEE. — What do you mean — collectively?

Q. (By Mr. RILEY.) Well, you can take them individually or collectively. Now, what was said about the Aldermen, because you have been asked some ticklish questions. When I say "ticklish" I mean personal to yourself, and in my judgment very offensive questions, and therefore I think we might as well have the whole of that conversation.

A. Well, he said that they were Republicans, and that the majority of the Board were Republicans, and so on.

Q. Yes. Was anything said about the minority?

A. Well, said they had half of the minority.

Q. (By Ald. LEE.) Who was the fellow they split? That is what I want to know.

A. I am sure it wasn't you, Mr. Lee.

Mr. RILEY. — Perhaps they split the fellow you fellows left off.

Ald. LEE. — Who was that?

Mr. RILEY. — Don't you know? Didn't you offer to give him your place on the ticket?

Ald. LEE. — Yes, that may be the one — that may be so. We may have you on the stand before we get through to prove that fact.

Mr. RILEY. — I know a thing or two.

Ald. LEE. — Well, there are times when one wants to be alone, you know.

Mr. RILEY. — There are times, you mean, when one wants to be let alone.

Ald. LEE. — Oh, no, not always.

Q. (By Mr. RILEY.) Now, was anything said about the counsel for the so-called prosecution?

A. Yes, but I would rather not say it.

Q. What was said, if you please? What is the use of hesitating?

A. Well, Mr. Reed said that the counsel for the defence was mean, and such insinuations as that.

Q. Well, what is the use now of shielding anybody or suppressing anything? If there is anything mean about myself I would like to know it. I am in search of information, and if there is anything mean about so superb a man as Brother Brandeis I think he would like to know it.

The CHAIRMAN. — Wherein does this concern the investigation?

Mr. RILEY. — Well, I will tell you, Mr. Chairman. I am delighted that you asked the question. I don't know of anything that is more vital than the evidence which has just been given by this witness. If you are to discover the truth of affairs in the institution you must do so upon truthful testimony, and they have offered witnesses to you, placed them on the stand and have had them give their testimony on the theory that that testimony is true. They are acting in good faith or they are not. If what Dr. Parker has just said be true, they are not only not acting in good faith, but if one may use the word here they are acting most damnably. He says that they tried to suppress evidence and tried to impress upon him again and again, and also upon Dr. Dever in his presence, that they had better stick together. If that happened in a case which afterwards came to trial before a court of justice the Court would in all human probability take some action — would certainly investigate it. Now, then, I want to know all that was said. Is there any harm in that?

The CHAIRMAN. — Well, your questions may be pertinent, but the Chair can hardly see what the opinion that counsel has of opposing counsel has to do with the committee.

Mr. RILEY. — Well, I think, Mr. Chairman, that I had better sit down and let the counsel on the other side clear the thing up if they can.

The WITNESS. — Well, Mr. Chairman, the whole truth of it is that they didn't want me to testify and that they wanted to intimidate me more or less. I said, "How can it hurt me if I speak the truth? How can it hurt me?" — "Well," they said, "I don't think it will hurt you so very much, but it will hurt Mr. McCaffrey, because he is on the police force now, and it was really the Commissioners that got him there and it won't be long before he is out of there." They also told me that Mrs. Lincoln wanted to use me as a tool, and also cited cases that I don't care to mention here, and they said that I would have a better position, and so on. I told them I didn't care for it, I didn't care about testifying, I didn't come here for the honor or the glory of it at all. I came here because I thought and do think that the management of the institution is wrong. I don't say it is the fault of the Commissioners, but it is some one's fault. I know that when Dr. Cogswell brought Dr. Maurice Richardson down that what he saw was something that we got just a few days before, and Dr. Cogswell told him in my presence that we always had them there — that was the tracheotomy tubes and the bristle probang. Dr. Maurice Richardson

looked at everything in the room and saw these necessary instruments and said, "As long as you have these"—meaning the artery forceps, tracheotomy tubes, and bristle probang—"you are all right." And it was only a few days before that that we got the stomach pump and all the new instruments. It is the same way with the others.

Q. (By the CHAIRMAN.) Is that all doctor?

A. Yes, sir.

Ald. LEE.—I want to ask one or two questions.

Q. I understood you to say that you had a conversation with your brother about some of the matters relating to the mismanagement of the institution there; that he told you to go to see Dr. Jenks; that Dr. Jenks then met your brother and told him that if you made any charges you would have to substantiate them. Do I understand you correctly?

A. Yes, sir.

Q. Now, after he told your brother that and your brother told you that that was what Dr. Jenks informed him, that if you made any charges you would have to substantiate them, that was the reason why you dropped them?

A. My brother spoke to me as though Dr. Jenks had discouraged the making of the charges. I went in the morning and told my brother, "I am going to resign." He said, "Why?" I said, "I am not down there for the money there is in it, but to learn what I can, and if I cannot use the drugs I want to use and can't have the proper things for the patients I can't stay there." I told him how things were going on. He said, "Don't resign, but go up and see Dr. Jenks and he will straighten everything out all right," and I went up. The next day I heard from my brother that he had seen Dr. Jenks and Dr. Jenks was very much annoyed because I made the complaints, and said I would have to substantiate what I said or get out. I told my brother that I could and would substantiate what I said. He said, "Well, you don't want to bother your head about that." He said, "You keep still and say nothing." Then he says, "If you have any charges to make make them in writing, just as Dr. Jenks told you; but be careful what you write. You may make charges verbally, but what you write lasts almost forever." So I said, "All right," that I would write, and so I wrote the charges. I have them yet. I didn't deliver them. That is, I did deliver them in Dr. Cogswell's office, and that afternoon my brother came down and said, "You haven't put those charges in yet?" I said, "Yes, I have put them in this afternoon."—"Can't you get them back?" I said, "Yes, I think I can—I don't think Dr. Cogswell has been to his office yet." So I went up and they were lying on the desk where I put them, and I took them and kept them ever since.

Q. Then the only reason why you had not put them in was because of your brother's advice?

A. Yes, sir.

Q. Is your brother a friend of Dr. Jenks'?

A. Yes, sir.

Q. Now, one other question, doctor. In the conversation that

you said took place between Mr. Reed and you at his office, did he mention any Alderman by name individually, taking any individual member?

A. No, sir.

Q. He merely spoke about the majority and the minority?

A. Yes, sir; he said that he was sure of his fee from the Commissioners, and that he would prolong the case so that Mr. Brandeis would be frozen out of it; that Mr. Brandeis was a very smart, able lawyer, and a very busy lawyer, and that he couldn't devote as much time to it as Mr. Reed could.

Q. (By Ald. LEE.) Well, he didn't tell you what kind of ice he was going to freeze him out with — whether natural or artificial?

A. I should think it was artificial.

Q. (By Mr. RILEY.) Then I am to understand that there was no individual member of the Board mentioned?

A. No, sir; there was not.

Mr. RILEY. — That is all.

Mr. REED. — Mr. Chairman, I simply want to make a statement to the committee.

The CHAIRMAN. — Is there any member of the committee who desires to ask any questions?

(No response.)

Q. (By Mr. RILEY.) One thing, doctor, I overlooked. Was there anything done on the boat going down to the island or coming up to you to get you intoxicated, and then to get you arrested?

A. No, sir; there was nothing ever done on the boat.

Q. Does that recall to your mind any incident relating to this matter?

A. I was invited, if you remember, the first day I testified here —

Q. No, I wasn't here.

A. Well, it was of a Wednesday, I think, Wednesday or Thursday. That Wednesday I was over to lunch at the Tremont House and I received a very cordial invitation to Deer Island from one of the officers. I promised to go — very anxious about my going. Even Dr. Cogswell was anxious. I was told quietly that they had a plot for me and for me not to go under any consideration. That is all I knew.

Q. You didn't go?

A. I didn't go.

RE-CROSS-EXAMINATION.

Q. (By Mr. REED.) I would like to ask the doctor one question, Mr. Chairman. Was Mr. Proctor present at the interview in my office to which you have referred?

A. I didn't see him.

Q. Well, will you say he was not there?

A. He was not in your private office.

Q. You didn't see him anywhere about there?

A. He may have been out in the other office. I probably did

not know him at the time. There were several people out in the other office, but I think you have three offices there. We were in what they call your private office. The door was closed.

Q. Well, you didn't see Mr. Proctor there?

A. He wasn't in your office; no.

Q. Well, you didn't see him at all?

A. No, sir; I don't remember seeing him.

Q. Did you ever have any conversation with him?

A. I don't believe I ever had that winter.

Q. You don't think you ever did?

A. No, sir.

Q. Is that right?

A. I don't believe I ever did.

Q. (By Ald. LEE.) Now, doctor, you say you were invited to go to Deer Island over in the Tremont House?

A. Yes, sir.

Q. And that you thought there was a plot in it, I understand you?

A. I didn't think so at the time. The way it was brought about we were having lunch there, having a very jolly time, and somebody suggested that if I was interested in public institutions or hospitals, or places of that kind, that I ought to go over to Deer Island and see the place. I said I would be very glad to. At that time the invitation was extended to me to go over the following Saturday and stay over Sunday — said they had a man over there who could sing a good song, could play very well, and they had something moist, and so on. I didn't say whether I would go or not. I said I would see. I was asked on the boat again and I promised to have gone.

Q. Now, who asked you to go to Deer Island to partake of the hospitality — one of those banquets that Brother Riley tells about?

A. I think it was Dr. Roche.

Q. Dr. Roche?

A. I think it was, I say.

Q. Well, don't you know?

A. I don't know but what it was suggested by somebody else and he said, "Yes, come along," as he naturally would. I think somebody told me about the piggery they had there, that I ought to see that, that it was the finest one in the country.

Q. Well, who suggested it — do you know?

A. No, I don't remember.

Q. Now, doctor, do you believe for a moment that Dr. Roche would enter into any plot to get you down to Deer Island to get you drunk?

A. No, sir, I do not.

Q. Then the theory of the plot falls to the ground if you don't believe it, doesn't it?

A. I couldn't believe that of Dr. Roche.

Q. Couldn't and didn't believe it?

A. No, sir.

Q. And don't believe it now?

A. No, sir.

Q. You think more of Dr. Roche than that?

A. I think more of Dr. Roche than that.

Q. That is what I thought.

A. It was told to me, and I was warned. There was a remark made going down, in the pilot-house. They didn't say very much to me, so when we got half-way down I thought I would go down and see whether they had any inmates for Long Island. When I was gone I was told the remark was made that they bet \$25 if I got on Deer Island I never would testify again. I was told that.

Q. Now, was that an officer of any of the institutions that told you that, doctor?

A. Yes, sir; it was.

Q. Well, will you give us his name?

A. No, sir; I cannot.

Q. Well, why not?

A. Because I don't think it right for me to give the name.

Q. Will you give it to the chairman of this committee privately or to the committee? It is a very serious question in my opinion.

A. I would rather not, Mr. Alderman. It was told me in confidence. I am very sorry I have had to say anything about it here.

Q. Now, you say you didn't believe it, and don't believe it now?

A. No, sir; I don't.

Q. Then you must have arrived at the conclusion that the story that man told you was untruthful?

Mr. RILEY. — Well, what he said was he didn't believe Dr. Roche would do that.

Ald. LEE. — Well, if he doesn't believe Dr. Roche would do it and doesn't believe it now he must have arrived at the conclusion that the story told him by that man was untruthful.

The WITNESS. — There were a good many circumstances connected with that that seemed very strange, I must say. Dr. Cogswell never was interested before in my making any visits to any place, anywhere, and this time he went out on the wharf and spoke to Dr. Roche and then came back and said, "Aren't you going to visit Dr. Roche to-night?" He said, "You can if you want to." Then Dr. Roche came in and said that he had fixed it all right with Dr. Cogswell, that I could go over. I said I couldn't, that I had been up town quite a number of days and that I was a pharmacist down there, and the medicines were short; and he pressed me so hard that I put him off saying that I would come the next day. The next day I was asked in the morning by Dr. Cogswell if I was going. I said no, it was too rough.

Q. Well, was it after or before this conversation they had on the wharf — Dr. Cogswell and Dr. Roche — that this had been told you on the "Bradlee?"

A. There were several in the pilot-house. I went downstairs, and when I went back again I was told very quietly not to go to Deer Island.

Q. Well, was that before or after Dr. Cogswell and Dr. Roche had the conversation on the wharf?

A. That was before.

Q. Before that you were told?

A. Yes, sir.

Q. Then your suspicions were aroused by seeing Dr. Cogswell talk to Dr. Roche?

A. Yes, sir; although they often talk when they get together there; but it wasn't their talking together, but Dr. Cogswell saying anything to me about it, because he was not a man that would say anything about it. If we wanted to go, he would say that we could or couldn't, and he wouldn't advise us to go or even ask us if we wanted to go.

Q. (By Mr. RILEY.) What was the story told you as to the plot?

A. Well, all that happened was that I was told that it was said in the pilot-house. No; they asked me if I had made any arrangements to go to Deer Island. I said no, but I was invited.

Q. The person that gave you the information, what did he say?

A. He said not to go, that something had been said, that he would tell me later, but would give me that as a straight tip, he said.

Q. Did you get it later?

A. Yes, sir; I got it later.

Q. What was it?

A. Wanted me to go over to Deer Island, had something to drink there, and the "Vigilant" would bring me back and Dr. Cogswell would refuse to allow me to land on Long Island; and therefore it would be brought up that I came to the island drunk. That is what was told me.

Q. And was there any bet on the subject as to what would happen?

A. No, all I was told — I was told that all that was said — I was told by two parties that all that was said was, "I bet if we get him over to Deer Island he will never testify again."

Q. (By Ald. LEE.) Well, did they say who said that, doctor?

A. Yes, sir; they did.

Q. Who was that?

A. I would rather not say.

Q. It wasn't Dr. Roche?

A. No; it wasn't Dr. Roche. Dr. Roche has always treated me very nicely, and I don't think Dr. Roche would do it.

Q. (By Mr. RILEY.) Now, the person who gave you the information — had you every reason to believe him?

A. I had — I have.

Q. You know him to be an entirely truthful man?

A. Yes, sir; I do. I think he is a friend of Dr. Roches, and a friend of the officers at Deer Island, and I think he is a friend of mine, and that he told me purely because he was a friend of mine, to keep me out of any danger. In thinking it over in the evening I almost resolved to go. I thought then that perhaps I might make a pretty good actor, but I thought I would fail, and so I didn't go.

RE-CROSS-EXAMINATION.

Q. (By Mr. REED.) Doctor, do I understand that you decline to give the name of the person who warned you about going over there?

A. Yes, sir.

Q. Now, when you were on the witness-stand before you were questioned in regard to the conversation between you and me at my office, were you not?

A. Yes, sir.

Q. At that time did you testify that I made any statement, or in any way referred to the Board of Aldermen?

A. In referring to the Board of Aldermen —

Q. That question is susceptible of an answer — yes or no. Please answer that question.

A. I said I didn't remember.

Q. Did you remember at that time?

A. No, sir; but my diary —

Q. You will please answer my question. You testified in regard to this matter before, and you were asked for the whole conversation?

A. Yes, sir.

Q. That was the next day after the conversation that is said to have occurred?

A. No, sir; it was not. It was at the end of my testimony when Alderman Lomasney asked me. It was several days — a week — over a week.

Q. Well, how many days were you on the witness-stand?

A. Well, I wasn't on in consecutive days. There were several days between the first time and the last time.

Q. You went on the witness-stand the day after you had the talk with me, didn't you?

A. Yes, sir.

Q. And you testified at every hearing which was held until your testimony was finished, didn't you?

A. Yes, sir.

Q. It was during that testimony that you were examined in regard to this conversation at my office?

A. Yes, sir.

Q. Now, did you say in that testimony that I made any statement to you in regard to the Aldermen?

A. No, sir; I didn't.

Q. Did you say in that testimony that I stated to you that Mr. Brandeis was a very busy man?

A. I didn't, because I wasn't asked.

Q. Well, did you say that I said to you at that time that Mr. Brandeis could not give as much attention to this case as I could?

A. I didn't say it — I didn't testify to that before.

Q. You didn't say that?

A. I didn't say it before on the stand here.

Q. That is what I am asking you?

A. No, sir.

Q. Did you testify then that I told you that I knew how the Board of Aldermen stood on this matter?

A. No, sir, I —

Q. Answer my questions now.

A. No, I didn't say. I understood you that the Board of Aldermen stood —

Q. Please answer my questions. You have talked and I have not interrupted you. Now, I desire to ask a few questions?

A. No, I didn't testify to that.

Q. Weren't you asked at that time for the entire conversation?

A. Yes, sir, I was.

Q. Well, why didn't you give it?

A. I didn't remember it. There was a great deal of it. We were there, you know, three hours.

Q. You didn't remember it. Then that is your reason?

A. No, sir; I didn't remember it then.

Q. But you do remember it now?

A. Yes.

Q. Why do you remember it now when you didn't remember it then?

A. Because I have had a long time to think of it, and because it is written in my diary.

Q. When did you write it in your diary?

A. That evening.

Q. What evening?

A. The evening after the testimony; after I first testified.

Q. The next day after you had the talk with me?

A. Yes, sir.

Q. Then you must have remembered it on the next day.

A. Well, I wrote it down.

Q. Because you wrote it down?

A. I wrote it down. I might write here and not remember exactly what I wrote an hour afterwards.

Q. But three or four days afterwards you had forgotten it?

A. I had forgotten some portions of it.

Q. You have now refreshed your recollection again and remember it?

A. Yes, sir.

Q. What did you come to my office for?

A. Because Dr. Cogswell asked me to.

Q. Did I ask you to?

A. No; but you had been to my brother's house only a few days before to see me.

Q. Did I ask you to come to my office?

A. No; you didn't.

Mr. REED. — Now, Mr. Chairman and gentlemen of the committee, I wish to read from the testimony, page 526.

The WITNESS. — Mr. Chairman, will you pardon me a moment? One of my reasons for going to Mr. Reed's office was because I had left a towel to Mrs. Lincoln and I —

Mr. REED. — I think this is entirely irregular, Mr. Chairman.

The CHAIRMAN. — Mr. Reed has the floor at the present time.

Q. (By Mr. REED.) Dr. Parker, who came there with you to my office?

A. Dr. Cogswell.

Q. Who else?

A. No one else.

Q. Who was present when you and I had the talk?

A. You and I alone, and then Dr. Dever came in.

Q. Will you listen to this:

Q. Where was that conversation held?

A. In Mr. Reed's office.

Q. What time was it?

A. About 11 o'clock.

Q. Who was there?

A. Dr. Dever came in, but it was in Mr. Reed's private office.

Q. Who was there?

A. Mr. Reed and myself, first, and then Dr. Dever came in, and Dr. Dever was present.

Q. What was the conversation that day about this case?

A. I don't remember.

Q. What did Mr. Reed say about the case — anything? I mean about this investigation, and about the condition of affairs on Long Island?

A. I don't remember.

Q. Did he say anything?

A. Oh, yes. He talked all the time."

The WITNESS. — Read on, please.

Q. (By Mr. REED.) Do you wish to change any of the statements that you made in that testimony that I have read?

A. Not at all, not at all.

Q. Those statements were made under oath?

A. Yes, sir.

Mr. REED. — Now, Mr. Chairman and gentlemen, I want to say this —

(At this point the witness was dismissed from the stand.)

Mr. REED. — Mr. Chairman and gentlemen, I want to say this, that Dr. Parker came to my office —

Mr. RILEY. — Have you got through with the witness?

The CHAIRMAN. — Mr. Riley will please not interrupt.

Mr. REED. — I have left the doctor in the hands of the committee.

The CHAIRMAN. — The witness has been dismissed.

Mr. REED. — Dr. Parker came to my office the day before he testified. He came and asked me not to ask him a certain question before he went on the witness-stand —

Mr. RILEY. — Is this testimony?

Mr. REED. — I am making the statement to the committee. He said he had given a towel to Mrs. Lincoln which she had produced here when making her statement, that Mrs. Lincoln had declined to give his name, and he asked me if I would kindly refrain from asking him anything about that occurrence when he went upon the witness-stand. I told him I would not ask him anything about it. Now, that disposes of the doctor's statement that I tried to influence him not to testify. All the statements that he has made about my references to the Board of Aldermen, and about my

references to Dr. Dever as being a witness whom we would like to call, are untrue. No such statements were ever made by me. The matter was not discussed at all. He came there for the sole purpose of requesting me to suppress evidence. I did that at his request, because I didn't consider it material at all where Mrs. Lincoln got the towel. I probably shouldn't have asked him the question if he hadn't come there, and I refrained from it. He asked me certain questions in regard to Mr. Brandeis, which I answered. He asked me if Mr. Brandeis should say to him, "Didn't you say so and so?" in my office, what he should say. I told him to state the fact. And that is the extent of the conversation that we had in regard to this case, with the exception of Mr. McCaffrey's testimony. I took the printed testimony of Mr. McCaffrey and read many of the statements and asked Dr. Parker if they were true. Many of them he said he did not agree with, and those things I asked him about when he was on the witness-stand. That is all I care to say about it.

GEORGE H. MCCAFFREY. — *Recalled.*

Q. (By Mr. BRANDEIS.) Mr. McCaffrey, you testified that during the whole time you were at Long Island you did not make to Mrs. Lincoln or to any persons not connected with the institutions or the City Government any complaints at all in regard to the condition of Long Island, and that the first statement which you made to Mrs. Lincoln was in pursuance of the letter of Father McAvoy in which he implored you to go to Mrs. Lincoln and to get her to act in the matter of Smith, of Smith's drunkenness. Now, I ask you, Mr. McCaffrey, whether before going to Mrs. Lincoln you had also a request from anybody else connected in any way, who had been connected in any way, with Long Island to report or to make known the condition of things at Long Island?

A. I did.

Q. Was that request in writing?

A. It was.

Q. Is this the request to which you have referred?

A. It is.

Mr. BRANDEIS. — I will read this letter, Mr. Chairman.

(Discussion, followed by reading of letter.)

Q. And that letter you had, and the letter of Father McAvoy, when you went to Mrs. Lincoln to tell her about Smith's drunkenness? Is that a fact?

A. Yes, sir.

Q. And that letter you had when you afterwards went, in pursuance of Mrs. Evans' request, to tell the Board of Visitors what the facts were in regard to Long Island?

A. Yes, sir.

Mr. PROCTOR. — Let me see it, Brother Brandeis.

Mr. BRANDEIS. — Yes. It hasn't been the practice here, but I will show it to you.

Mr. PROCTOR. — I knew your well-known courtesy would allow me to look at it. (Examining letter.) Well, how is this rebuttal? Did you think I was going to eat it?

Mr. BRANDEIS. — Yes, I thought you would like to, but that you wouldn't like the taste.

Mr. PROCTOR. — How is it rebuttal?

Mr. BRANDEIS. — I think you will see that it is.

Mr. PROCTOR. — How is it rebuttal?

Mr. BRANDEIS. — It is rebuttal. A charge is made here by Dr. Cogswell that this action of Mr. McCaffrey in coming forward and testifying, making known his complaint, was the action of a man who was disgruntled and who did it from malice. I desire to show Mr. McCaffrey's position; to show that, on the contrary, he acted as every good official should, and that so long as he was a subordinate officer at Long Island he did not breathe to a person outside a single word; that when he did come forward and act he did it in pursuance of a solemn duty; that he acted in the matter because Father McAvoy had told him to do so; that he acted in the matter also because Mr. Galvin had told him to do so — and that is what I wish to bring before this committee. This is what the letter in part has brought out, and this is correct.

CITY OF BOSTON.

HOME FOR PAUPERS, RAINSFORD ISLAND,

BOSTON HARBOR, December 20, 1893.

Mr. G. H. McCaffrey:

DEAR SIR: —

You will remember, gentlemen, that Father McAvoy's letter was dated, I think, on the 21st.

DEAR SIR: Yours of the 17th received, thanking me for kindness extended toward you during your short residence on Long Island. You received nothing from me but what you deserved, and I trust that the future will develop in you ability sufficient to exalt you to a higher position on the force. Part of the Advisory Committee was down yesterday. Mr. Ring wanted some points about the management of Long Island. I could not from my own experience give him any. He ought to be made acquainted with how things are carried on. You have it in your power to give him all the points he wants. Wishing you a very Merry Christmas and Happy New Year is the wish of your old friend,

JOHN GALVIN,

Superintendent.

And that letter you had and the letter of Father McAvoy when you went to Mrs. Lincoln to tell her about Smith's drunkenness — is that the fact?

A. Yes, sir.

Q. And that letter you had when you afterwards went, in pursuance of Mrs. Evans' request, to tell the Board of Visitors what the facts were in regard to Long Island?

A. Yes, sir.

Q. Mr. McCaffrey, Mrs. Lincoln testified that you were present on that March day when the two women came to Long Island who afterwards were sent over to Rainsford Island. Is that the fact?

A. It is.

Q. The fact is as Mrs. Lincoln has stated it?

Mr. PROCTOR. — Pardon me — it seems to me that that is rather objectionable.

Mr. BRANDEIS. — You mean the form of the question?

Mr. PROCTOR. — Yes; I don't object to the matter, because she has testified to it twice or three times and Mr. Galvin has testified to it.

Q. (By Mr. BRANDEIS.) What were the facts in regard to that, Mr. McCaffrey?

A. The facts of the case were that these two parties were sent from the City Hospital to the Long Island Hospital. They were to be left at Long Island. It was a very windy day and rough down there, and when they came to the wharf there was no ambulance to receive the patients. The question then was whether we should hold the boat there until they could get the ambulance ready to come down there or whether the boat should go to Rainsford Island and have the ambulance ready to meet it when it came back. Mr. Galvin said he would hold the boat if Mrs. Lincoln wished it. She said it wasn't for her to say. Captain Bowden was at the window and said he didn't care to hold the boat, that the weather was too rough, and that he could put over to Rainsford Island and back and then they could have the ambulance there and save time. These parties were taken to Rainsford Island, came back, and during that time the ambulance was hitched up and we brought them up to the institution, the hospital. I had the ambulance got ready there after finding that these people were coming, and even then there was no harness to place on the horse and we had to take the old buggy harness at the risk of the harness breaking, probably, and smashing the wagon and throwing the patients all overboard. But luckily it didn't.

Q. Now, Mr. McCaffrey, Dr. Cogswell stated in his testimony, referring to the testimony which you had given in regard to the lanterns, the few lanterns that were in the hospital at night, and that the lantern had been taken from the priest who was there in order that the watchman might go down and give the clock a wind, that he had talked with Father McAvoy in regard to it, and Father McAvoy said he didn't remember that a lantern had ever been taken from him under those circumstances?

A. Yes, sir.

Q. Have you seen Father McAvoy since that testimony was given?

A. I have. I saw Father McAvoy last week. I went to him and asked him how he could make such a statement to Dr. Cogswell?

Q. What did he say?

A. Father McAvoy told me he never said anything of the kind to Dr. Cogswell, and that I could quote him as saying so. I asked him if he remembered the night that this thing took place in my presence — I don't know how many nights it took place when I wasn't there. He said he did recollect it.

Q. Dr. Cogswell stated that among the reasons which induced him to change the favorable opinion which he had of you, and which had led him to recommend you to the Board of Police Commissioners, was a report which had been made concerning you in connection with one of the night nurses. Is there any truth in that statement?

A. Gentlemen, that statement is false from beginning to end. That party I never had anything to do with whatsoever; neither was that woman ever in my room, either at 8 o'clock in the evening, at 10 o'clock, or at 1 o'clock, as the doctor would have you believe she was. Anybody here who knows that woman or knows me knows that that statement was made with no other reason than to try to throw a blemish upon me, which they have been trying to do from the beginning of this hearing, but cannot do. That is false, and somebody will have to answer for it later on, but not before the Board of Aldermen.

Q. Mr. McCaffrey, Dr. Cogswell also stated that a further reason which induced him to change that good opinion of you which he had at the time you left was that he heard that the vegetables which he desired to have sent to Dr. Heath had been actually sent by you to your own house. Is there any truth in that statement?

A. Gentlemen, that statement is false, and I will tell you why. When you asked me here before on the stand, or the counsel for the opposite side asked me, "Did any of those vegetables go to your house?" you will find I told you they did. I told you how many times I thought they had gone, but since then I find I told you too many times. I said two or three times. I find I only sent vegetables to my house once. The other time I sent a parcel to my house was a bunch of bananas which was presented to me by the captain of the "Vigilant." Dr. Cogswell has told you that these goods went from the boat by an express team to my house. There never was a thing went from that boat to my house but what went by the Marcella-street Home Express, carried there by the Marcella-street Home Express, by a man by the name of Johnson, who was driver at that time.

Q. Where was your family during the summer of '93 in which these vegetables are said to have been sent?

A. I didn't commence to send vegetables to Dr. Heath until sometime, I should say, about the middle of July. My family was away in Warner, N.H., from the 5th day of July to the 9th day of December.

Q. December?

A. September—excuse me. So, therefore, I had no reason to send vegetables to my family, and if I did I had but two little children at that time, and one of those boxes of vegetables I was sending to Marcella-street Home would last my family for a year. Therefore there was never nothing that went to my home, and that that did go there was sent there with the sanction of Dr. Cogswell, and the stuff that went to Marcella-street Home went there because I spoke about it. How I happened to send that stuff to Marcella-street home, I was there one Sunday afternoon to dinner and they had no vegetables there but potatoes, and I said, "Gracious! we have plenty of these vegetables down to the island and I will send you up some." They had a young man here to-day who I could call upon if I saw him now to bear out the statement, Mr. Pelletier, but I don't see him here now. I went to see Dr. Heath and told him that I would send vegetables every

Saturday if he would send a wagon to bring them up. He said he would be glad to. After that I sent a variety of vegetables, everything we had on the island fit for use at that time, which wasn't much, and after that I sent him, I should say not every, Saturday, because sometimes he would neglect sending back the box. I had a box built, a square box, that I should think would hold somewhere around two bushels or more, and he was to return that box Friday or some day in the week, so that I could fill it for Saturday, and when he neglected to send it back they got no vegetables that week. Dr. Cogswell saw that box, saw it marked, "A. B. Heath, Marcella-street Home," and he said the mate told him that the team that took the vegetables was an express team, and didn't know what team it was. That is false, because the mate of the boat knows that team, knows the driver on the team. I leave it for you gentlemen to decide how many vegetables went to my home.

Q. Do you know that those vegetables or any of them reached the Marcella-street Home?

A. They did, and I helped to eat them there.

Q. When?

A. Sunday after Sunday. When my family was away, instead of going to a restaurant, I went to the Marcella-street Home and ate dinner there, and we used to laugh and joke at the table, and the officers there, Mr. Pelletier or Mr. Lonergan, can bear my statement out, where I said they ought to feel proud that the poor-house could feed them.

Q. Dr. Cogswell denied a large number of statements which had been made by you in your testimony. Is there any alteration or correction in your testimony that you wish to make?

A. None that I remember. I should like to say that if we had the time I would like to go through from beginning to end with Dr. Cogswell's statement, and I could rectify a lot of the mistakes, but it is not worth while to bother with them, I suppose, they are so small.

Q. (By Ald. LEE.) I understood you to say something about the harness — that if it broke, the occupants of the carriage would go overboard?

A. Yes, sir.

Q. What did you mean by that?

A. I meant if that harness broke, the trace broke, the whole thing would be apt to go over the bank there, especially at that time of year.

Q. If what broke?

A. The trace or breeching strap, or any part of the harness might have broken, and that horse being a very flighty kind of a horse and with the heft, it being as much as the horse could do to get up to the building as it was, and if it had broken it would have been apt to go over the embankment. If the wheel had switched one way or the other they would have been apt to go overboard, and gone some distance, too.

Q. Well, were those two women, Mrs. Reardon and Mrs. Taylor, carried up in a wagon?

Q. Carried up in what they call "an ambulance."

A. They were?

Q. Yes. They were carried from downstairs, the lower deck, up to the wharf in the arms of the deck hands.

Q. On to the wharf?

A. Yes, sir. I held the ambulance there and they were placed on the ambulance on the wharf.

CROSS-EXAMINATION.

Q. (By Mr. PROCTOR.) Did you have charge of the cleaning of the floors while you were deputy superintendent?

A. Yes, sir — that is, I oversaw that it was done.

Q. Well, it was in your charge?

A. Yes, sir; the floors of the institution, not of the hospital.

Q. That is what I am talking about.

A. Yes.

Q. Well, were they kept clean?

A. As clean as I could keep them with the fixing we had to do it with.

Q. Did you keep them clean?

A. As clean as I could.

Q. Pardon me — I ask you now if the floors were kept properly clean?

A. No, sir.

Q. They were not?

A. No, sir.

Q. That was a part of your duty?

A. Yes, sir.

Q. And in that respect you didn't do your duty?

A. I did; if I didn't have the things to do it right, I am not to blame.

Q. Now, you say you used the buggy harness that day?

A. Yes, sir.

Q. You could have used it just as well when the boat came there as later?

A. If I knew she was coming.

Q. Well, you knew the boat was coming?

A. But not that there were any patients aboard of it.

Q. But you could use it just as well then, as later, although the other harness was broken?

A. Didn't have any other harness.

Q. Well, you had a harness and used it, and the patients were taken up to the hospital?

A. Yes, sir.

Q. And it didn't break and didn't fall back?

A. No, sir.

Q. Now, about this report that you say is untrue with respect to a nurse. You say that it is not a fact?

A. It is not a fact. It is absolutely untrue from beginning to end.

Q. I understand you cannot say that — now, listen to my ques-

tion — you cannot say that that was not reported to Dr. Cogswell, can you?

A. No, sir.

Q. No.

A. I doubt it though.

Q. Pardon me — I don't ask for your belief or disbelief.

A. It weighs a great deal here.

Q. It does with yourself, but I have no use for it.

A. I suppose not. It is too damaging for you.

Mr. BRANDEIS. — I trust that you will indulge in as little reparation as possible as it is desirable that this should be confined as close as possible to direct answers, to save time.

Mr. PROCTOR. — Now you are called down.

The WITNESS. — No more than you are.

Mr. RILEY. — The trouble is —

The CHAIRMAN. — Will Mr. Riley keep still.

Q. (By Mr. PROCTOR.) You say the statements made in regard to you and the vegetables are not true?

A. I say so.

Q. You say they did go to your house, though?

A. I said nothing of the kind.

Q. They never went to your house?

A. I said once or twice on my first examination here.

Q. And you now wish to change that?

A. Yes, sir; wish to change it to once. I quoted too many times before.

Q. Your memory was worse then than it is now?

A. Not a particle.

Q. Just as good?

A. Just as good.

Q. But you did make a statement then that they went to your house two or three times?

A. I think so; yes.

Q. Now, they were sent to the Marcella-street Home in an express wagon, weren't they?

A. They were.

Q. Then you don't wish to change that statement?

A. I am willing to change it in this way.

Q. Go ahead.

A. That it wasn't a public express.

Q. Who said it was a public express?

A. It was referred to in that way.

Q. Did you hear anybody say it?

A. Yes — an "expressman. didn't know who," leading the public to believe that it was some expressman I had hired to take these goods and conceal them in my house.

Q. Well, they had come to your house some of the time?

A. Yes.

Q. And some of the time when they should have gone to Dr. Heath's?

A. Never.

Q. Well, they started for Dr. Heath's and ended up at Mr. McCaffrey's — that was the way of it, wasn't it?

A. Never, never, never.

Q. Then there wasn't any mistake about it—you intended to send them to your own house?

A. When?

Q. The times they got there?

A. The times I sent anything to my house I intended it to get there.

Q. Yes. Did you tell anybody you were going to send it to your house?

A. Yes.

Q. Whom?

A. Dr. Cogswell would know.

Q. Did you tell the superintendent?

A. Yes, sir. The superintendent more than one time has asked me to take stuff to my home. Will he deny it? Will he stand up here and say he denies it?

Q. Pardon me.

A. Yes, I will pardon you all you want to be pardoned.

Q. I feel much refreshed. You intended to send the vegetables to your house the times they got there?

A. Yes, sir.

Q. Not the other times, when they didn't?

A. No, sir.

Q. Did you ask Dr. Cogswell's permission?

A. Yes, sir.

Q. And he gave it?

A. He did.

Q. On each occasion?

A. No, sir; it wasn't necessary. The first time I asked him he gave me the right to send them whenever I see fit.

Q. *Carte Blanche*?

A. Yes, sir.

Q. Cart the whole business?

A. Yes, sir—"send as much as you please." He didn't care how much or how little.

Q. Well, you did it?

A. I did it.

Q. Every chance you got you did it?

A. I sent to the "Vigilant," to the Marcella-street Home very often, and I have sent to my own home.

Q. Were you the vegetable distributor down there?

A. No, sir.

Q. You sent them to your house as often as you wanted to?

A. I thought the Commissioners saved so much money that I could.

Q. By sending vegetables to your house?

A. By sending them to Marcella-street Home, instead of throwing them away on Long Island.

Q. You couldn't save them money by sending them to your house?

A. I think I could, too—buy them of them.

Q. You think you could?

A. I think I could save many things that are not saved.

Q. (By Ald. LOMASNEY.) You were at Marcella-street Home before you went there?

A. Yes, sir; eight years.

Q. Were any children there eaten by rats?

A. Yes, sir.

Q. What were the facts about that at the Marcella-street Home?

Mr. PROCTOR.—I don't see the need of taking up time to go into this. I don't object especially.

Mr. BRANDEIS.—I think Brother Proctor is right.

Ald. LOMASNEY.—Now, I don't propose to have the lawyers interfere with me.

Mr. BRANDEIS.—My reason for speaking as I have is this: To-mor-

row, of course, is reserved for the committee. One hour of our time to-day was taken out in order to accommodate certain city officials, and I am quite sure Mr. McCaffrey would be glad to come again if the committee desired it. But it seems to me that as to-morrow is the day reserved for the committee, they had better not take up our time to-day.

Ald. LOMASNEY. — Mr. Chairman, the committee have had many hours of their time wasted by the counsel, and I can get at this matter in three minutes, and it probably won't be necessary to have Mr. McCaffrey here again.

The CHAIRMAN. — The Alderman may go on.

Mr. PROCTOR. — May I be heard a moment? My only suggestion is this: It makes no difference to me, but Mr. Cunningham has appeared here as counsel for the Marcella-street Home, or for Dr. Heath. Of course, neither Dr. Heath nor Mr. Cunningham are here, and it would seem to be fair if there is to be an attack on that institution that Mr. Cunningham or Dr. Heath should have a chance to be present. That is all I have to say.

Q. (By Ald. LOMASNEY) What are the facts in that regard?

The CHAIRMAN. — Before he answers that question, does he know of what he is going to speak of his own knowledge?

The WITNESS. — I do.

Q. (By Ald. LOMASNEY.) Were you superintendent there or deputy?

A. No, yard officer.

Q. Now, get at the facts — what were the facts about these children being eaten by rats, if they were eaten?

A. There was a baby there by the name of Thomas F. Gallagher —

Mr. PROCTOR. — I don't think it is proper to go into this at this time.

Ald. LOMASNEY. — The committee will give you ample time to look up the facts at the Marcella-street Home.

The WITNESS. — Admitted August 4, August 5, eaten by the rats in the cottage. The mother called for the child August 6 and was told the child was sent to the country and she couldn't have it for a month. The five toes on the child's foot was chawed by a rat. The small toe was eaten so it hung by just the least bit of skin. The bed the child was in was saturated with blood. I was the first one called by the matron — to see the child. When I went over to the cottage there was a little boy came and told me the nurse wanted me and I went there and she showed me the child. I asked her what time it happened and she said it was about three o'clock. I asked her how she happened to have her attention attracted and she said she was woke by the cries of the child and listened and thought something was wrong and went down, and as she opened the door, which was closed so as to keep the draught from entering, this rat jumped from the bed, jumped on the floor and ran down behind the radiator. The morning I went over Dr. Heath had the child caring for it, and it was under treatment a month or more. The mother came for it at the latter part and the child was given to her with a box of salve, and she was told by Dr. Heath in my presence that the child had put its foot against the steam-pipe and burned it and to put this salve on and it would come out all right.

Q. (By Ald. LOMASNEY.) Is that the only case?

A. Another case before that happened — a blind boy, I forget the name, but called "Blind Jim."

Q. Let us have that case; by the way, how old was the Gallagher boy?

A. I should say three years old, something like that. I won't be sure.

Q. Give us the case of the blind child.

A. This blind child used to sit on the floor, had no other place for him, no one to care for him, and he was gnawed in his back, around the hip here, by a rat. I haven't got the date here.

Q. Those are the only two cases that came under your observation?

A. The only two of anybody being eaten by rats, but as to the care of the children in the nursery, there was a woman lived in this nursery, or cottage, as we called it, with thirty-six babies to care for alone, thirty-six babies at one time, and a house of twelve rooms to care for, to do the washing, dressing, and to see that they were properly cared for. This is the model institution, as they claim.

Ald. LOMASNEY. — Mr. Chairman, I move now that Dr. Heath be allowed an opportunity to rebut the testimony, if he desires to do so.

Q. (By the CHAIRMAN.) You didn't see the rat?

A. No, sir.

Q. (By Ald. LOMASNEY.) Who was the nurse who saw this occurrence?

A. Annie Clancy.

Q. Is she there now?

A. Yes, sir.

Q. Who was the other nurse, the nurse of the blind boy?

A. Manning — she is not there.

Q. Who was the nurse who cared for the child eaten by the rat?

A. Named Corey, I believe.

Q. Is she there now?

A. No, sir.

Q. Who is the one that cared for the children?

A. Annie Morrill — she is there now. There is plenty more about the Marcella-street Home if you want to hear it.

Mr. BRANDEIS. — I think, if the Aldermen do not care to go into this, I would like to proceed to Long Island.

Q. (By Mr. RILEY.) As long as you are on this question, was there a boy named Murphy there in the Marcella-street Home?

A. Yes, sir; Cornelius Murphy.

Q. What became of him?

A. That boy was taken sick with cholera morbus a while in the hospital. Of course, in that disease they go out of their head, delirious, and he was left out at night when they locked the hospital doors up. He was raving, and got up out of bed and walked into the bath-room and jumped out of the third-story window, and was picked up by two of the watchmen and brought upstairs. He died the next day, and the hospital diagnosis was given "cholera morbus."

Q. (By the CHAIRMAN.) Somebody told you that?

A. Yes, sir.

Q. You didn't see him jump?

A. He had to jump.

Q. You were told about that part of it?

A. I fixed the screen he jumped through.

Q. Well, I say you were told about that?

A. I saw the boy.

Q. You didn't see him jump?

A. No, sir. I was aware that he was picked up under the windows.

Q. And you were told of the cholera morbus?

A. He was eating the apples there and was taken sick. I fixed the screen which he jumped through.

Q. (By Mr. RILEY.) And then he died?

A. Yes, sir.

Q. Now, in regard to Sarah McCauley?

A. That is another case there. A child there at the time the scarlet fever was in the institution was taken sick with a lump on her throat here, a large lump, and the child wasn't properly cared for and there was no night nurse for her, or anything of that kind. The woman who was the night watchwoman of that institution had to go through the hospital and attend to the scarlet fever cases at night and come from

the scarlet fever room down into the dormitories where the other children were sleeping and attend to some things there. She had to attend to both things at night, and this McCauley child had a lump here in the throat and when it died it died from that lump and the diagnosis went in "scarlet fever." That is one reason why, gentlemen, I say it is wrong that any superintendent should be visiting physician of any institution if he can cloak his own doings and nobody question it.

Q. During the scarlet fever epidemic — do you remember the time they had the scarlet fever out there?

A. Yes, sir.

Q. What was done?

A. I remember the time the scarlet fever was in that institution that every child was quarantined. There was nobody to be allowed out of the institution until the disease was pronounced cured and so that it would not be carried away. But Alderman Lee came there and got two children out of the institution — or your wife came there and got them.

Ald. LEE. — Well, we took care of them if we did.

The WITNESS. — Well, I am not aware that anybody else could get their children. There was scarlet fever, and they were taken out in the midst of it. You got them, and nobody else could.

Q. (By *Ald. LEE.*) When was that?

A. Sometimes when the scarlet fever was there.

Q. What date?

A. I can't give you the date. You took them away.

Q. Do you object to that?

A. No, sir; I can give you the date if you will go over the books of dates of discharges at the Marcella-street Home.

Q. Were you employed there?

A. I was. I was the one who escorted your wife out the front door. They looked very respectable and were dressed in nice shape going away with her.

Q. Well, they didn't have the scarlet fever?

A. No, but they were taken out. Everything was quarantined there. There had been other people there who wanted children bad and couldn't get them, on account of the scarlet fever, and that is what made me notice.

Q. How long did we have to wait — do you know?

A. Yes, sir — got the two right away from the Marcella-street Home.

Q. How do you know?

A. I know all about it.

Q. How do you know?

A. Because I was there, I see them going.

Q. You don't know when we made application to take them?

A. No, sir; don't know when you made application.

Q. Or how long we had to wait?

A. No, but I know you got them while the scarlet fever was raging there. I know you got those two children the day your wife called for them. I know others had to wait for children, and you got them right away. I wish, gentlemen, also to make a statement here about Mr. Roberts who claims that when he came to Long Island I showed him through Long Island and spoke so nicely about the institution. I want to say here that Mr. Roberts did not quote everything I told him. Mr. Roberts came there not as a visitor to Long Island; he came there to look for a man who had stolen a load of wood from him, and I, as a special police officer at Long Island, escorted him down to the government works to get this man. He said he thought he wouldn't come with him, so I went down with him. So we brought the man up and put him in a room and kept him there. I then escorted Mr. Roberts around. We did not go through the rooms at all — stopped at every room and looked in. Mr. Roberts was telling about his place and was

making his place out ahead all the time. When we got down to Loafers' Hall there were several people there, and he was looking around at the people and he said, "They seem contented." — "Yes," I said, "some of them are better off here than they would be at home." I didn't say to him at any time that the place was a "perfect heaven for them," and wish to state here that I didn't think it was my duty to speak to Mr. Roberts and tell him the inside workings of the Long Island institution. Why should I tell him about the wrong that was going on there? He wasn't a public official. But I told Alderman Lee and Alderman Dever what was going on at Long Island. I told them in the office at Deer Island and I ask the Aldermen to bear me out in it.

Q. (By Mr. BRANDEIS.) Well, aside from Alderman Lee and Alderman Dever and the Commissioners, or one of them — you said you had talked to one or more of them — did you talk to anybody about what you considered abuses at Long Island before you got Superintendent John Galvin's letter and Father McAvoy's letter in which they requested you to make known the facts?

A. No, never did. I didn't think it was right for me to do it. I spoke to Aldermen Lee and Dever because they were city fathers, and should know about the institutions.

Q. (By Ald. LEE.) Well, that was before December 20?

A. Yes, sir; that was about the same time Mr. Roberts had called upon me.

Q. That was prior to December 20?

A. Yes, sir.

Q. (By Mr. BRANDEIS.) You were in the employ there at that time?

A. Yes, sir.

Q. (By Ald. LEE.) Sometime in June?

A. Sometime — I have forgotten when — in warm weather. I know you and I and Alderman Dever were over there and we sat there and talked. I told you just what was going on at that time. I thought you and Alderman Dever were proper people to know about it. I wasn't going to tell Mr. Roberts or anybody else, or Mrs. Lincoln if she asked me.

Q. (By Ald. FOLSOM.) You said awhile ago that there was a child at the Marcella-street Home who had a lump on her neck?

A. Yes, sir.

Q. And that she died of that lump on her neck instead of dying of scarlet fever?

A. Yes, sir.

Q. How do you know?

A. The nurse said so.

Q. And you don't know what she died of except what the nurse told you?

A. No, sir.

Q. And what nurse was that?

A. That was Miss Morrill.

Q. The same one that had charge of so many children?

A. Yes, sir.

RECROSS-EXAMINATION.

Q. (By Mr. PROCTOR.) Well, you didn't ask the doctor what she died of?

A. No, sir.

Q. So you don't know that the nurse was not wrong and the doctor wasn't right?

A. No, sir.

Q. And you knew that to be the fact when you made the statement here?

A. Well, I was —

Q. Pardon me — answer the question, yes or no. You knew that all your information came from the nurse and that you never made any inquiry from the doctor at all, at the time you made the statement here.

A. No, not only the nurse.

Q. Who else?

A. Miss Larkin, too.

Q. Who was she?

A. A matron there.

Q. Is she a physician or surgeon?

A. No, sir; but knows what ails the children.

Q. Who else?

A. The night watcher.

Q. The night watchman?

A. I said the night watcher — a woman.

Q. Was she a physician or surgeon?

A. I don't know that she has any abilities in that way.

Q. Do you know that she hasn't?

A. I don't.

Q. Do you mean to tell the committee that you don't know that the night watcher at the Marcella-street Home was not a physician or surgeon?

A. Might have studied medicine enough to know what a child died of.

Q. I ask you if you don't know whether that woman was a physician or surgeon or not?

A. I don't think she was.

Q. Why did you say so?

A. Well, if you had gone the other way about it — I wanted to tell you about the case of —

Q. Yes; you want to talk?

A. Yes, sir; considerably — bring out lots of things.

Q. Yes, to your own satisfaction.

A. I like to talk on such subjects as this.

Q. That is very evident. How long was this woman in charge of thirty-six children at the Marcella-street Home?

A. Well, she was in charge of thirty-six children, I should say, two months — all of that.

Q. All day and all night?

A. All day and all night.

Q. Alone?

A. With one exception.

Q. Oh, there was an exception! I am surprised that you admit that?

A. Why are you surprised that I admit the truth?

Q. From the rest of your testimony. There was another one there?

A. Give me time to answer.

Q. Well, you have taken time enough all along. There was another one, that left there?

A. Yes, sir.

Q. What was her name?

A. There was an inmate at the Marcella-street Home, a child named Katie Kelly.

Q. How old was the inmate?

A. I should say about fourteen years of age.

Q. Well, I was asking you about the nurse.

A. Gentlemen, I think I have a right in answering the questions to say how the child got there.

Q. Answer the question — what was the nurse's name?

A. At the cottage?

Q. Yes.

A. Annie Clancy.

Q. Now, you said there was somebody by the name of McCauley ?

A. Yes, sir.

Q. That died ?

A. Yes, sir.

Q. Of what ?

A. I say she died of a lump in the throat.

Q. But you don't know anything about it ?

A. And she wasn't the only one who died of the same kind of lump in the throat.

Q. And you say the death certificate was made out something else ?

A. Scarlet fever.

Q. Who made it ?

A. Dr. Heath.

Q. Now, you don't accuse Dr. Heath of anything ?

A. No, sir.

Q. You don't ?

A. No, sir.

Q. Then why do you make the statement at all ?

A. Merely to show —

Q. Show what ?

A. That not only these institutions at Long Island, Rainsford Island, and Deer Island need looking into, but that we have institutions here on the mainland that need looking into as bad as they do. The education of those children at the Marcella-street Home was something disgraceful.

Q. I have not asked you anything about the education.

A. No, but I propose to give you more than you ask for.

Q. I see that you do. But you have stated something about a death certificate being wrong ?

A. I didn't say it was wrong.

Q. Then why did you speak about it ?

A. I said the child died, and I was told that it died of lump in the throat, and the diagnosis was made out scarlet fever.

Q. What do you mean by the diagnosis ?

A. The sickness. I was told that it was a different kind of sickness that the child had.

Q. Where was it made out ?

A. At the Marcella-street Home.

Q. After the child was dead the diagnosis was made out ?

A. Should be made every morning.

Q. Was it made after the child was dead ?

A. Yes, sir ; had to be — certificate of death.

Q. Do you mean the diagnosis or the death certificate ?

A. The death certificate.

Q. The same thing ?

A. Explaining how the child died.

Q. And you think the diagnosis and death certificate are identical ?

A. Identical as to what the child was sick with — have to give what a child dies with.

Q. Now, the Murphy child, you say, fell out of the window ?

A. Cornelius Murphy, twelve years old.

Q. The child recovered, didn't he ?

A. No, sir ; didn't recover.

Q. And you are as positive of that as you are of everything else to which you have testified ?

A. Yes, sir.

Q. Positive of everything you have testified to ?

A. Yes, sir. I don't testify to anything but what I am positive of.

Q. I see that. Well, you saw the child fall ?

- A. No, sir.
- Q. Did you see the child on the ground?
- A. No, sir.
- Q. Did you see the child in the bath-room?
- A. No, sir.
- Q. Did you see the child at all until after its death?
- A. Yes, sir.
- Q. Where?
- A. Saw the child that morning up in the hospital.
- Q. I understood you to say in response to the chairman that you knew about it of your own knowledge?
- A. Oh, no, you didn't — yes, it is my own knowledge, that is right. I say so now.
- Q. Did you see the child fall?
- A. No, sir.
- Q. Then you didn't know of your own knowledge?
- A. What more knowledge would you want of it?
- Q. Pardon me — hold on and answer the questions. You didn't see the child fall?
- A. No, sir.
- Q. Then everything you testified to except to seeing the child in the hospital was hearsay, wasn't it?
- A. It was.
- Q. Then when you answered me that you knew it of your own knowledge you stated what wasn't a fact?
- A. Well, I didn't see him fall.
- Q. But you said it was of your own knowledge?
- A. But I gave you evidence to make you think that it was knowledge enough, I guess.
- Q. You guess a great deal. Now, you say that in what Mr. Roberts testified to before us here he did not state the conversation that took place between you and him at Long Island — that is what you state?
- A. Yes, sir.
- Q. You do?
- A. Yes, sir.
- Q. Do you say that what he stated was not correct?
- A. Yes, sir.
- Q. That is, he is mistaken or he testified to what is not true?
- A. He is mistaken. I don't think Mr. Roberts would testify to what —
- Q. Pardon me — I don't care for your opinion.
- A. All right.
- Q. He has testified to what did not take place?
- A. That is it.
- Q. You had some trouble down there about the shoes, didn't you?
- A. Where?
- Q. Down at Deer Island?
- A. Shoes?
- Q. That is what I said — shoes.
- A. No, sir.
- Q. Didn't you attempt to get somebody down there, an inmate or a prisoner, to make you some shoes?
- A. Oh, yes, yes.
- Q. You did?
- A. Yes.
- Q. You furnished him the leather?
- A. I furnished him everything.
- Q. And he was to make the shoes?
- A. Yes, sir.
- Q. And he made them and went away?

A. Yes, sir.

Q. And you tried to get a warrant for larceny, for stealing shoes?

A. No, sir.

Q. Tried to get a warrant?

A. Never.

Q. Took no steps towards getting a warrant?

A. Never.

Q. Was that about the time you were shipping vegetables up to your house?

A. I think it was latter.

Q. After that?

A. Long after.

Q. You did make some endeavors to get a warrant against him, didn't you?

Q. I told you once no.

A. Did you try to get the shoes?

A. No, sir.

Ald. LOMASNEY. — I don't want to object, but you can readily see that this has never been brought up.

Mr. PROCTOR. — I am now simply touching on the matter in cross-examination.

Q. Well, this fellow you got to make the shoes was a fellow who ought to have been at work over at Long Island?

A. Yes. I want you to understand —

Q. I don't want an explanation.

A. — that I got Dr. Cogswell's permission to have that done.

Q. Didn't go to the Commissioners?

A. No.

Q. I am surprised that you didn't.

A. I would like to have Dr. Cogswell stand up and corroborate it.

Q. (By Ald. LEE.) One question, Mr. McCaffrey — you say you had some conversation with Alderman Dever and myself at Deer Island?

A. Yes, sir.

Q. Sometime in June or July?

A. Yes, sir.

Q. And that conversation related to what?

A. To Long Island.

Q. To Long Island?

A. Yes.

Q. Well, as to its management?

A. Yes, and as to the shortage of milk — one thing and another like that.

Q. Anything else?

A. I didn't go as deep into the matter as I have here.

Q. Well, was there anything else you talked about? Had the islands, been divided then, or were they going to be divided?

A. They were divided.

Q. They had been divided. Well, was there any conversation as to the way in which they were divided?

A. I couldn't say. I wouldn't say there wasn't.

Q. Well, you felt at that time when they were dividing the islands, that you, being deputy superintendent, should be considered there for the position of superintendent?

A. Never.

Q. Didn't you feel that way when talking with Alderman Dever and me?

A. Never.

Q. No conversations about it?

A. Never.

Q. You are positive about that?

A. Pardon me, I will try to explain. I didn't solicit this place at Long Island. I didn't want to go there. Dr. Heath went over to my wife unknownst to me and asked my wife if she wouldn't like to go and live at Long Island. My wife said it was immaterial to her where she lived as long as I could make her a living and Dr. Heath said that he didn't want to tell me anything about this, but that he was going right down to Mr. Galvin to see Mr. Galvin about appointing me deputy of Long Island; that he had a hard time with his deputies down there and that he wanted to get a man he could rely upon. So Dr. Heath went down there and he saw Mr. Galvin and he came up and he told my wife before that if we went there we would have a house, found, and everything like that, and that the islands were to be divided and that Mr. Galvin was to go to Rainsford and Dr. Cogswell was to go to Long Island, and that old man Galvin would get his back up and kick and get out altogether, and that I, being deputy at Long Island, would be transported to Rainsford Island as superintendent. And with those things in view my wife said, "I think you had better try it." I went down and saw Mr. Galvin, and here is the letter of introduction from Dr. Heath at that time, if the committee wish to see it. There is the letter of introduction from Dr. Heath at that time.

Q. (By Mr. BRANDEIS.) Read it.

MARCELLA-STREET HOME AND NURSERY,

BOSTON HIGHLANDS, February 23, 1893.

MY DEAR SIR: The bearer, Mr. George H. McCaffrey, the young man of whom I spoke to you. I can only repeat what I said to you on Tuesday, in substance, that he is all right, and that you had better take him. With regards, I am,

Very truly yours,

A. B. HEATH.

TO JOHN GALVIN, ESQ.

This is the letter of introduction. I went to Mr. Galvin and I had a talk with him on the wharf, and Mr. Galvin says, "I need no further talk from you at all. Any man who can come recommended as you have to me, I don't want nothing more. If you feel like taking the position it is yours." So I said, "Well, I don't care much about coming to the islands, but as I understand Dr. Heath there is to be a place made here for the deputy and his family, and the salary is to be increased," and he says, "I understand it is," and the old gentleman got aboard the boat and went to Rainsford Island. He told me I could go to Long Island and look at the institution, and I did so. Dr. Heath said, "I want you to tell me before you go down whether you will accept it or not." I said, "I don't feel like doing that until I see whether he wants me or not." — "Well," he said, "he wants you, he wants you." Dr. Heath was kind of anxious to get rid of me out there, so I accepted it, and when I came back everything was quite pleasant. I went down to the island, and was there some little time, and didn't see this increase of pay coming, and I was losing money by being there. I spoke to the Commissioners about it, went to see Dr. Jenks at 14 Beacon street about it, and Dr. Jenks told me that Mr. Devlin and Mr. Pilsbury were then going over the pay-roll, and fixing it up, and it would only be a short time before it would be all right. So I waited a considerable time, and it didn't come. I was falling behind, supporting a family in the city here with the small salary I was getting there, and so I made up my mind to leave the island. One day Mr. Pilsbury came to the island, and met me at the wharf, and said, "We have been looking that matter up, and will attend to it right away, in a short time." Mr. Pilsbury will bear me out in that. I told Mr. Pilsbury that he needn't mind looking that matter up for me, that

there wasn't money enough in the Public Institutions Department to keep me on those islands. I ask Mr. Pilsbury to bear me out in that statement.

Q. (By Ald. LEE.) That is, Mr. Galvin stayed there?

A. Yes, sir.

Q. He didn't get out?

A. No, sir, — they didn't drive him out, and couldn't drive him out. He didn't get out, and isn't going to get out — that is the sum and substance of it.

Q. How do you know that?

A. Because he told me so.

Q. Supposing he told other people differently?

A. Then he has changed his mind since talking to me.

Q. People often do, don't they?

A. Yes, sir; sometimes.

Q. And quickly?

A. Yes. Now, gentlemen, I would like to say a few words here. I was accused of coming here because of feeling I had against Dr. Cogswell. It is nothing of the kind. I had no intention of coming here at all, and did not wish to come here until I received a summons to come here, and upon that summons I have come. I have not tried to exaggerate anything that I have said here about anybody, because if I did I tell you it would look worse in your eyes than now. There are some things so small that some of these people have done that I don't care to lower myself to mention them. I want to say that I haven't mentioned an untruth since I have been standing at this table here or at any other hearing. As to matters of dates there may be some question about some dates. They deny the dates but they don't deny the facts, and it is the fact that tells.

Q. (By Mr. PROCTOR.) We couldn't expect you to admit that you testified to anything but the truth?

A. I am glad to hear it. The papers have quoted me about "McCaffrey's hearsay evidence." I have not given you a bit of hearsay evidence but what I have given you the author of it.

The CHAIRMAN. — That has nothing to do with the committee — what the papers have to say. The committee will consider your testimony.

The WITNESS. — But the counsel, also, have said here the same and referred to the hearsay evidence. I have given you the author of it.

The CHAIRMAN. — The committee will weigh your testimony and give it such consideration as it deserves.

The WITNESS. — I hope they will. I think, Mr. Chairman and gentlemen, that as a citizen of Boston I have the same privilege as any other citizen to be given a hearing before this Board, and I don't think I should be cut off more than anybody else. I want it understood that my people here pay as heavy a tax in Boston as anybody that has appeared before this table, and I think I have rights and privileges to that extent as a citizen.

The CHAIRMAN. — I think you have.

The WITNESS. — I think so. Supposing I, as a citizen —

Ald. PRESHO. — I object to any more remarks from the witness.

The CHAIRMAN. — Call your next witness.

OTIS K. NEWELL, M.D. — *Recalled.*

Q. (By Mr. RILEY.) The other day a gentleman by the name of Flanders, gave that as his name here, and then the newspapers gave the name as Filsbee. You know the gentleman, do you not?

A. Yes, sir; I remember him.

Q. Now, he made reference to a conversation with you at a time when you and Mr. Devlin and himself were present. Bring your mind to that and state to the committee what occurred?

A. Well, I remembered very clearly. Mr. Flanders had spoken to me and to Mr. Devlin and me together a great number of times about the poor quality of goods which he was selling for the institutions, was obliged to sell, and he said he would like to have us come into his place some day and he could show us exactly what was being sold and what he didn't think was fit to supply to any institution. He said that no other institution or parties that he traded with would buy such goods. We went to his place together and he showed us the ten-cent tea which has been testified to here which he said wasn't fit tea to use, and he said the Cambridge House of Correction, for instance, where he sold a great many things, would not think of buying any such material, and he said that he had made statements to that effect to Dr. Jenks a number of times, about the goods, that they couldn't expect anything at that price except goods that went under the name, and that he had got no satisfaction whatever and couldn't get any. Both Mr. Devlin and myself told him that we felt that better goods should be bought and that we would do all we could to see that a change was made. Beyond that no statement of any kind was made to Mr. Flanders. I think I remember his speaking in regard to complaints being made to the Mayor about the goods by some of the other people who have bought them, and he asked us whether we thought it was a proper thing to do. I told him that it was eminently proper, that the Mayor was the one to whom, at any time, he or any other man should go and make a statement or complaint of that sort. Now, in regard to what he stated here before the committee, concerning the prices of those goods and one statement that Mr. Proctor was kind enough to make that nobody but Dr. Newell had ever heard of eleven-cent butter. Dr. Jenks stated to the Mayor's Committee of Visitors that he had not bought oleomargarine. I say all the committee needs to do is to go to the bills in the Auditor's office and see if not only a few pounds but tons of material has not been bought for these institutions which has been furnished to the institutions as butter, and which has been sold at anywhere from ten, eleven, twelve, to thirteen and fourteen cents a pound. That was the highest price paid for butter for inmates' use. Now, there isn't an expert in the country on butter to-day who will state, nor can one be produced here that can state, that anything that is butter can possibly be bought for that price. The bills are in the Auditor's office, I say, for tons of that material at those prices.

Q. So that in conversation with Mr. Flanders he himself said that the goods were of the poorest quality?

A. Yes, sir; he not only said the poorest, but said they were unfit to use. He said, "Of course I sell them."

Q. He said that to you and Commissioner Devlin?

A. Yes, sir.

Q. Commissioner Devlin was there and heard all that was said?

A. Yes, sir.

Q. And he went to Mr. Flanders for the same purpose?

A. Yes, sir. We went there to investigate.

Q. And you said if that was so he should go to the Mayor and inform him?

A. Yes, sir; told him it was an eminently proper thing for him to do.

CROSS-EXAMINATION.

Q. (By Mr. PROCTOR.) Well, you heard, I believe, the statement Mr. Flanders made here?

A. Yes, sir. I heard all of Mr. Flanders' testimony, I think. I came in just as he began.

Q. Then you heard it all and understood what he said?

A. Yes, sir.

Q. Now, you say that Flanders did not state the conversation as it took place?

A. Oh, I say that certainly he did not. His statements were incorrect in many instances, — especially his statement was absolute perjury to say I told him that Dr. Jenks was going to be out of there before long and we would get things at better prices.

Q. Well, you say that was perjury on Mr. Flanders' part?

A. Yes, sir; perjury under oath. Believe that constitutes perjury.

Q. But you did go down there with Mr. Devlin for the purpose of talking over the prices which you were paying?

A. I went for the purpose of seeing the goods which were being sold — went there as to many other places.

Q. You remember having the talk in a good many respects as he testified, and when he said that Mr. Devlin was present, it was true that Mr. Devlin was present at one conversation at Mr. Flanders' place?

A. Yes.

Q. And it was at Sleeper's, was it?

A. Yes.

Q. He is correct in that?

A. He was then in the employ of S. S. Sleeper; yes, sir.

Q. And it was in their shop?

A. Yes, sir; in their store, place of business.

Q. Where was it in the store?

A. Well, we were through the store. When the statements were made in regard to the tea we were in what they call the "drying-room," I believe — the tea-testing room, sample-room.

Q. But you said nothing to him with respect to the fact that Dr. Jenks was not long to remain upon the Board?

A. No, sir, I did not.

Q. And that it might be for his interests to state to the Mayor some things which were not facts?

A. I certainly did not.

Q. And he perjured himself when he said so?

A. He did, sir.

Q. I think that is enough, sir.

A. He also showed his method of doing business then by asking Commissioner —

Q. Oh, I haven't asked you any question, now, doctor.

A. All right. I meant to have stated that to the committee — that he showed his crooked style of doing business by trying to induce me to allow him to send groceries to my house, and the same to Commissioner Devlin.

Q. Of course you didn't allow that?

A. Most certainly I didn't. The very fact that he supposed that that was an agreeable proposition, though, might account for his methods of doing business.

Q. Was this the same conversation?

A. Yes, sir. That was stated the same day, in his store.

Q. When Mr. Devlin was present?

A. Also wanted us to accept a box at the theatre from him.

Q. Pardon me — I am asking you a question now. Did he ever make that offer to you before?

A. Never but once.

Q. That was the only time?

A. Yes, sir; never before or since.

Q. And never did afterwards?

A. Never after that.

REDIRECT-EXAMINATION.

Q. (By Mr. RILEY.) Well, of course you wouldn't want any of that "Congo" tea at your house?

A. No, sir; not even to draw it once and try and say it was good. Now, there are only one or two other points I want to speak about, which will not take five minutes. The chief thing I wanted to speak about was a report that the Commissioners induced their counsel to ask for here, as one which had been asked for by the Commissioners of Public Institutions, and that report was presented by Dr. McCollom. Now, I hope the committee will distinctly understand — and the records will bear me out — that, in the first place, that report was never asked for by the commissioners. It was a wholly false report, which was made previous to the time of any inspection of the committee of experts, of the Mayor, or any other committee of the institutions, and it stated that things were practically in a perfect condition at a time when there were water-closets opening right out into the wards, and 125 people had no watch or attendance of any kind, and in the place for confining women they had old straw mattresses, common beds, no operating-room, or anything of the kind for confinement cases, and the general care for the children was corresponding. Now, that report was for the purpose of counteracting certain facts that appeared in the Boston "Herald," chiefly an article that appeared in the "Herald," and that report was presented in the Board and was about to be read, and both Commissioner Devlin and myself objected to it as an underhand way of doing business. We didn't that anybody had been consulted. The report was never asked for; it was untrue, and it was rejected by my own motion and by Mr. Devlin's assent, and without further opposition, as an untrue report. It was not to go on record, and if it ever went on record in any way it was without the vote or consent of the Commissioners. That is all I have to state about that report.

RECROSS-EXAMINATION.

Q. (By Mr. PROCTOR.) Well, now, doctor, you say that Dr. McCollom also made false statements?

A. Yes, sir; I say Dr. McCollom's report was absolutely false and unjust from beginning to end.

Q. What do you say about his statements here?

A. Well, I say they were false. I say it is one of those things —

Q. Well, everybody who doesn't agree with you commits perjury — is that the idea?

A. No, sir. That isn't a fair way to put it.

Q. But everybody you have spoken of so far to-night who has differed from you has committed perjury?

A. Well, everybody who tells a lie under oath commits perjury, as I understand it.

Q. You know the law, then?

A. I say that is as I understand it. I am not familiar with the process.

Mr. RILEY. — That isn't the law, however, doctor.

Mr. PROCTOR. — I hope his medicine is better than his law.

Mr. RILEY. — Well, you try it sometime.

Mr. PROCTOR. — No — pardon me.

The WITNESS. — The only other thing I wanted to speak about, Mr. Chairman, was in relation to classification. I did not state in the beginning of this investigation perhaps what I ought to in relation to the value of any little thing that I might know about medicine or institutions. It is the fact that I have visited all the important institutions, and inspected them, in the eastern part of this country — in New York,

Philadelphia, Baltimore, and Washington, and most of those in four or five of the prominent European cities; and the whole sum and substance of the matter of classification which has been asked about here to-night could be explained in this way, that classification does not depend upon the number of buildings or new buildings at all. They are no better able to classify inmates in these institutions to-day than they were three years ago. They simply had a few hospital buildings and perhaps some more dormitory room; but the proper classification could be attended to in the original buildings by keeping different classes of individuals in the different rooms. When they are not in their rooms all that is needed to classify them properly is the proper officering. Pay three or four men at least ten dollars a week salary and see that they act as monitors over the different classes of inmates, not allowing young boys twelve, fourteen, or fifteen years old to be exposed as they were in those institutions and probably are to-day to the contaminating influences of grown-up and vicious men, so that things to which I did not see fit to refer or produce here as evidence instead of being developed or encouraged in those institutions, as they have been, would be entirely prevented. As to the necessity of yards for the institutions — it has been tried to be shown here to-night that they need a separate yard for different classes of cases. That is wholly unnecessary with proper officering and monitoring. The elderly inmates could be kept in one part of the 160 acres, eighty acres of whatever would be used for the purpose, and the boys could be kept in another part; and with proper officering they could each be kept in their own part and the classification could be as perfect in an institution with one building and with eight or ten rooms — or even six rooms — as it could if you put up a separate structure for each set of cases.

Q. Did you ever know that to be tried?

A. Yes, sir.

Q. Where?

A. I never saw an institution where it wasn't tried?

Q. You know that doesn't answer my question?

A. Yes, sir — that says everywhere, Mr. Proctor.

Q. Well, particularize — where?

A. All the institutions.

Q. I know, but can't you give me one — "all" is too large. Can't you give me one?

A. Yes, sir.

Q. Well, give me one.

A. Well, on Blackwell's Island the best instance of it is seen that I know of.

Q. Well, that is a place where people are sentenced, is it not?

A. No, sir.

Q. Aren't they sentenced to Blackwell's Island?

A. No, sir.

Q. You state that of your own knowledge?

A. Of my own knowledge. I suppose the finest charity hospital in the world is the charity hospital on Blackwell's Island. There are sentenced people on Blackwell's Island, of course.

Q. Oh, there are?

A. Certainly. A prison is there and an insane hospital and the charity hospital.

Q. Now, will you give us another instance?

A. Well, in the Vienna institutions at Vienna.

Q. Aren't they sentenced in the Vienna institutions?

A. Sentenced, certainly, but that doesn't alter the fact of classification.

Q. But the law there is different from what it is here.

A. Yes, sir; and I have stated that the law is different from what it is here, that even dead men —

Q. Can be classified?

A. Yes, sir; can be classified in this way, that in those institutions the dead are properly cared for, whereas on Long Island the remains of dead men are neglected before they are cold. There not even the dead are neglected. The body is put on a slab, with a pitcher of water near by, and a rope attached to a bell, so that if by any possibility a mistake should be made and a man who was apparently dead recovered enough to turn over there would be the means of giving him still another chance to live. And such delicate attention and thought as that, shown in different ways, is in strong contrast to allowing bodies to rot and decay in an old dilapidated shed with no care at all.

Q. Well, you wouldn't approve of a marble slab and a pitcher of water—

A. Well, I don't lay any stress on the marble slab, of course.

Q. You withdraw the marble?

A. Yes.

Q. You wouldn't approve of the slab and pitcher of water in the case of a person who had been dead and who had been left there as long as that?

Q. As long as what?

A. As you have stated?

A. Not ordinarily, but people have been left, you know, a long time and have come to life. Of course, after decomposition has set in it is pretty certain that the person is dead.

Q. When decomposition has set in there would no longer be any necessity for the pitcher of water and the slab?

A. After that set in there would be no necessity for it.

Q. Where else have you known of these humane rules of classification which you have referred to being enforced? You have spoken of Blackwell's Island and Vienna—where else?

A. Well, all the hospitals in New York.

Q. Don't you know that they are sentenced to all the hospitals in New York?

A. Some may be—not sentenced to the charity hospital.

Q. How do you know?

A. I wouldn't swear under oath. That would be immaterial, anyway. It doesn't interfere with classification.

Q. No, but I ask you whether you know whether or not they are sentenced to the charity hospital?

A. No, sir, I do not.

Q. Because you are standing here as an expert and I am asking you what you know about these things.

A. Of course, that would be something for an expert lawyer to know about. That is immaterial to the question of classification.

Q. If you will answer my questions we will get along better.

A. Answer the way you want me to.

Q. Oh, yes; you will answer in that way, of course. Do you know about any other institutions in this country?

A. Oh, yes.

Q. What one where they have this classification by monitors?

A. Oh, I didn't say by monitors—by proper officers.

Q. Do you know such an institution on the face of the earth?

A. Yes, sir, Worcester; they have proper officers there. You needn't name them "monitors."

Q. You said there should be proper monitoring, and I suppose that would be done by officers. Three or four?

A. Yes, sir; you can call them officers or monitors.

Q. Then I was right on that, I see. Now, what institution up at Worcester had monitors?

A. Why, the Worcester Insane Asylum and the Poor Farm at Worcester.

Q. You have been there?

A. They have proper officering in that respect. Yes, sir; I have been there.

Q. You have seen this method of keeping prisoners separate by monitoring?

A. Not necessarily prisoners, but inmates of institutions.

Q. You have seen at Worcester inmates kept separate by monitoring?

A. Yes, sir. You wouldn't have these women having these illegitimate children, or any other such accidents happening because there were not proper persons, officers, to watch over them, if you had some arrangement of that kind.

Q. Well, you say that is done at Worcester?

A. Yes, sir.

Q. And they have a large place and let them out into the fields with a monitor?

A. I didn't say that.

Q. Is there a place you know of where they have monitors to keep people separate out-of-doors?

A. Yes, sir.

Q. Well, you haven't named any yet. Is there any such place?

A. You are mistaken. I told you in the first place Blackwell's Island and said again Worcester. I told you that there was some system for that sort of thing not only in Vienna but in other places — that there is proper officering for the inmates. There isn't any question about it. The whole gist of it was to show that you do not require separate buildings in order to classify people.

Q. Then you don't agree with Mrs. Evans?

A. No, sir. I agree with Mrs. Evans as far as she went, but I was very much surprised that Mrs. Evans did not claim to give the detailed method.

Q. I am asking you whether you agree with her?

A. I agree with her as far as she went. I don't agree with any one that it is not an easy thing to classify people, to keep them separate.

Q. You don't think it is easy?

A. I think it is an easy thing — very easy. The Commissioners are trying to excuse themselves here for that lack of classification which has prevailed, saying they will remedy the difficulty as soon as they are in condition to do it. They were in just as good condition to classify three years ago as they are to-day.

Q. Did you ever make a motion while you were on the Board that anybody in the institutions under your charge should be classified?

A. Yes, sir; not only made a motion —

Q. Was it entered upon the record?

A. No, sir; I don't believe it was. I don't know.

Q. Did you ever make a formal motion?

A. Yes, sir.

Q. In writing?

A. I never made a formal motion so that it could go into the records, but I brought it to the attention of the Commission at least a dozen times.

Q. Well, Mr. Devlin agreed with you then, did he not?

A. Mr. Devlin agreed that there ought to be more officers, and we got them increased ninety per cent. in one institution.

Q. Did he agree with you as to the classification?

A. He did, as far as it applied to having a proper number of officers.

Q. Oh, no — I am not asking you about that. I ask you if you, as a Commissioner, ever took any steps to classify the inmates at Long Island?

A. Yes, sir.

Q. What did you do? Did you do anything but talk?

A. I did.

Q. What?

A. I went down and investigated the condition of affairs — that is an insulting way to put it, “Did you do anything but talk?” What way has anybody of expressing ideas except by talking? That is a ridiculous way of questioning.

Q. Don't get angry.

A. I am not, but you are only wasting time — “What did you do but talk!” You might apply that to the reservoir. Of course, I didn't dig the reservoir.

Q. You agree that you didn't do anything but talk?

A. No, I don't.

Q. Then what else did you do?

A. I told you. I went down to Long Island in the early part of my going about the institutions and saw that there was no employment for the men there, saw prisoners coming over every day and leaving at night and living among the inmates, and I brought the subject up. They didn't have formal meetings in the first part, and afterwards it was talked of in formal meetings, as far as I know. I wouldn't swear to that, but I tried to have something done to put the men to work there, and Dr. Jenks objected to it strenuously. It was claimed that they couldn't punish those inmates, but the fact is that they punished them by refusing old men butter to put on their bread, and so on.

Q. But according to your opinion the butter was worse than nothing, anyway. Now, have you stated all you did with respect to classifying the inmates at Long Island?

A. No, sir.

Q. Go ahead as rapidly as is consistent with the truth.

A. The whole statement, as far as the committee would care to have it, is, that I made repeated efforts to have a proper number of officers, so that inmates there, especially at Long and Rainsford Islands, should be separate.

Q. Well, you had friends that you wanted to get places for down there, so that this classification really meant that you could thereby make more places to get people into. That is the classification you were after, wasn't it, doctor?

A. Well, you have got a good deal of presumption to attempt to state it in that way. On what ground do you do it?

Q. I am asking you a question — answer it or not, as you like.

A. Well, it is absolutely untrue, and it is like your statement of my being the only person who had ever heard of eleven-cent butter. It is uncalled for and ungentlemanly. You should not make such a statement unless you can found it on facts.

Q. I ask you a question and I would like to have an answer. If you do not care to answer it say so. I don't care whether you do or not. Suit yourself.

A. Your question was in regard to whether I wanted more officers so as to get places for people who were friends of mine?

Q. Yes, sir.

Ald. LEE — Good fellows.

Q (By Mr. PROCTOR.) Yes, good fellows.

A. I say that no motive was behind anything I ever did in that Commission except what was for the bettering of the institutions.

Q. Well, you stated that what you desired to do with respect to classifying the inmates at Long Island consisted in an attempt to get more officers. Am I right?

A. I was referring to classifying the inmates at Long Island.

Q. That is what I am talking about — Long Island.

A. I think you said Deer Island.

Q. If I did it was an inadvertence, and you will forgive me, I know.

A. Certainly.

Q. Did you do anything else except attempt to get more officers down there?

A. Yes, sir.

Q. Now, the only thing you state so far is, that you went down there and saw them?

A. You did not want me to go into detail. I have already stated that I brought up the question of the prisoners brought over there, and being thrown in contact with the inmates of the institution. I thought that should not be done, but what I did was of no avail, and I then went to the Corporation Counsel and asked him about it.

Q. About classification?

A. No, sir — separation.

Q. We are now talking about classification.

A. Well, that is the first step — to separate the criminals from the poor, some of whom were worthy poor.

Q. Did you ever get farther than that?

A. Yes, sir.

Q. What did you do?

A. It was of no use for me to state to the Commission that the Corporation Counsel said it was not proper or legal for the prisoners to be kept there. They said they didn't care what the Corporation Counsel's opinion was, that they were going to do those things to suit themselves and take their chances on that — both in relation to that and another matter. Then I insisted at a time when we had formal meetings, I moved that the Board ask for the official opinion of the Corporation Counsel on the matter. Then we got a written opinion of the Corporation Counsel, and I think after that was spread upon the records for about two weeks the prisoners were not sent over. Then the thing was resumed as bad as ever.

Q. You have now stated all you did in respect to classifying the people at Long Island?

A. No, sir; because I couldn't without taking a very long time.

Q. You haven't stated anything you did yet except to go down there and make an effort to have some officers appointed, and to talk with the Corporation Counsel?

A. Well, tried to have some form of employment for them.

Q. What did you do?

A. I suggested it — all that was ever done and all that I could do there in the Board.

Q. And you didn't get it?

A. My idea was to give them proper employment. For instance, what Mr. Galvin stated I think was absolutely true and showed a common-sense view of the case — that it was easy to get the day's work of one good, sound, well man out of four of those men. They would not work ten hours a day like a man who gets \$3 or \$4 a day for doing it. They are not physically able to do that sort of thing.

Q. (By Mr. RILEY.) You went to the Mayor about the same thing, didn't you?

A. Oh, went to the Mayor six or seven times about it, and the Mayor told me it was all wrong and ought to be changed.

Q. (By Ald. LEE.) Which Mayor?

A. The man who has been Mayor the last four years.

Q. N. Matthews, Jr.

A. Yes, sir.

Q. (By Mr. PROCTOR.) Now, I am asking you about this classification. I understood you to say that you had an idea that you might take the young people, say, from fifteen up to twenty, and put them out to one side.

A. Yes, sir.

Q. And take the others — from twenty-three, twenty-four, twenty-five, and up — and put them to one side and divide them in that way?

A. Yes, sir; in that general line—the boys, the infirm, the old and the young women.

Q. And from the moral standpoint you would go still farther and divide them into classes, or would you allow the good to go with the bad?

A. No. You have got to do that in a measure, but you should prevent people from getting up and going out from the dormitories they are in into other dormitories, and so on. You have got to see that those unfortunate things which have happened do not happen.

Q. That would be mere separation, wouldn't it?

A. Yes, sir. Separation is classification in the truest sense. Moral and mental classification is a matter requiring a longer time for consideration and is indefinite. But the classification by separation into well-defined groups is a perfectly apparent one; and the only classification which you can read about in that report of the Commissioners is that they select and put apart a place and label it in their official reports as "Loafers' Hall," and the very name is a disgrace in connection with any institution. That was the acknowledged name, the name placed in their report, of their only place of separation — "Loafers' Hall."

Q. And that is as far as you want to go on record in regard to classification — what you have stated?

A. I just want a classification that will separate them into their proper groups at the present time — the old from the young, the able-bodied from the infirm and crippled, and the sexes from each other.

Q. Then after you have got that done, you want to go there and take the good from the bad?

A. I think, in the line of making the boys good citizens, it might be desirable to establish a school for them like the Farm School on Thompson's Island. I saw there the way boys were learning carpentering and all sorts of things, and good citizens being made out of them.

Q. Now, while you were one of the Commissioners of Public Institutions you had a great many applications for places?

A. No, sir; no friend of mine or anybody connected with me had a place in the public institutions.

Q. I didn't say that; I say that while you were a Commissioner you had many petitions presented to you and many requests made for places?

A. No, sir. I don't remember a single application to me for a place. Of course, men have often come into the office here asking for positions. Men have come to the office to see if they couldn't get employment, like the man who went down there to take an ordinary position, going through the civil service, and who went down there as a full-fledged apothecary. He didn't stay there long.

(The hearing was adjourned at 12.35 A.M. to meet at 11 o'clock A.M. Thursday, December 27.)

FIFTY-SEVENTH HEARING.

THURSDAY, December 27, 1894.

The committee met at the House of Correction at 12.05 P. M., Chairman HALLSTRAM presiding.

ROBERT NEFF. — *Sworn.*

Q. (By the CHAIRMAN.) What is your name?

A. Robert Neff.

Q. And you are an officer in this institution?

A. Yes, sir.

Q. What office do you hold?

A. I am an officer in Shop No. 3.

Q. How long have you been an officer here?

A. I came here the last of April, 1891.

Q. (By Ald. LOMASNEY.) Do you remember the occurrence, Mr. Neff, when Officer Young shot Flaherty?

A. Yes, sir.

Q. Now, just describe in your own way that whole occurrence from beginning to end.

Ald. LEE. — That is, what he saw, you mean.

Ald. LOMASNEY. — The whole thing — what you saw and what you heard; everything that occurred that day in the shop at that time.

The WITNESS — The morning of the trouble there was one of the prisoners came running into the shop by the name of Maguire, I think it was. He ran through the shop, and then just a few minutes afterwards Officer Young came in. As he came in the door, Martin Flaherty was sitting near there. He jumped up, ran for Officer Young and made a punch at him. At that time that the punch was made, some of the men that was at work there started to smash the machines, and some one of them fired a chair at me — I couldn't say who it was. I looked out for things the best I could, and pretty soon I heard the report of a revolver, and I saw Flaherty put his hand up to his jaw and run down to the lower end of the shop. He came back again after a while and asked me to go to the hospital, and I said he could; so he went out.

Q. Is that all you saw?

A. That is all I saw.

Q. You saw Flaherty strike Young with his fist?

A. I couldn't say whether he hit him or not, but he punched at him.

Q. Then what did Young do?

A. At that time they started to smashing the machines, and of course my attention was drawn to the other men, because they were smashing the machines and the windows.

Q. Was there anything in Flaherty's hand?

A. I could not say that there was.

Q. Well, didn't you see him?

A. Well, I saw him just as he rushed at him.

Q. What did Officer Young do to him?

A. I heard the report of a revolver.

Q. As soon as Flaherty struck him, you heard the report of the revolver?

A. Oh, I couldn't say that it was right that second.

- Q. Well, within a few seconds?
- A. Within a half a minute, I should say.
- Q. You saw Flaherty from the time Young came in the door until you heard the sound of the revolver?
- A. Yes, sir.
- Q. Your eyes were on those two men? Is that right?
- A. It was for a few seconds.
- Q. Well, from the time that Young came into the shop, you saw Flaherty rise, go towards Young and strike him, and you saw the whole thing from that time until the time the revolver shot was fired? Is that so?
- A. No, sir, it is not.
- Q. What?
- A. No, sir.
- Q. Was anything in Flaherty's hands?
- A. I couldn't say.
- Q. Well, you say you saw him strike him?
- A. I saw him punch at him; yes, sir.
- Q. What did he do when he struck him?
- A. Well, the men started to smash the machines at that time, and I had all I could do to watch the other men in the shop and look out for myself, too.
- Q. How long was it after you saw Flaherty rise and go towards Young before the pistol shot went off?
- A. Oh, a minute, perhaps. I am not positive as to that.
- Q. Did they come together more than once?
- A. I couldn't say.
- Q. Did you see them come together more than once?
- A. No, sir.
- Q. Did you see Flaherty strike Young and then see him run away, and see Young follow Flaherty?
- A. I didn't.
- Q. What?
- A. I didn't; no, sir.
- Q. The only thing you saw was Flaherty strike Young with his fist; and then there was a shot of the revolver?
- A. That was all I saw of it.
- Q. Did you see a goose in Flaherty's hands?
- A. I couldn't say.
- Q. He didn't strike Young with any goose, did he?
- A. I couldn't say.
- Q. Was there any mark on Young's face?
- A. I think he had a mark on some part of his head. I am not positive.
- Q. Did he have a black eye?
- A. I don't think he did.
- Q. Did he say at that time that he was struck with the goose—Young?
- A. I think I heard something said about it. I couldn't say whether he was or not.
- Q. Did you hear him say that he was?
- A. I am not positive as to that. I heard some talk about the goose.
- Q. Did he show by any indication, by any mark, that he had been struck with a goose?
- Ald. LEE — Well, is there any evidence that he was struck with a goose?
- Ald. LOMASNEY — I am trying to find out what the witness saw.
- Ald. LEE — I know; but the testimony was that he was not struck with a goose.
- Q. (By Ald. LOMASNEY.) Was there any indication, any mark, to show that Young was struck with his fist?

A. I didn't see any, sir.

The CHAIRMAN — Is that all the questions you desire to ask?

Ald. LOMASNEY. — Yes, sir.

Q. (By Ald. LEE.) I want to ask the witness something. I understood you to say that there was trouble, and that this man came running into the shop and that started the turmoil and trouble in there?

A. Yes, sir.

Q. The man came running in for some reason or other?

A. He came from the No. 1 shop.

Q. He came from the No. 1 shop; and after he got into the shop, Young came in?

A. Yes, sir.

Q. Now, where did Young stand?

A. He stood four or five feet from the door, as he came in the door, at the end of a little bench that is there for piling goods on.

Q. After this man had run in there, then the rioting commenced in the shop?

A. Yes, sir; just after he came in.

Q. Just after he came in?

A. Well, I won't say just then.

Q. Of course you cannot say that it commenced to the one-fifteenth of a second; but it commenced a short time after that?

A. Yes, sir; pretty near then.

Q. Then I understood you to say that some one fired a chair at you?

A. Yes, sir; it went by my head.

Q. It went right by your head. Well, Flaherty then went towards Young, did he?

A. Yes, sir.

Q. Well, did he come in a direct line?

A. Flaherty was sitting on the chair. He was making liberty clothes at the time, and he was either waiting for the runner to go for a hot iron or something like that. I know he was sitting in the chair at the time, and to the best of my recollection after this man came in, this man Flaherty jumped off of his chair and made for Young.

Q. Made for Young?

A. Yes, sir. He was following him, and he made a punch at him. Of course, I couldn't say whether he hit him or not. The other men started to smash the machines and windows, and there was a stool fired at me. Of course I gave my whole attention to the men. That is what I was there for.

Q. You didn't see Flaherty after he first went towards Young? When Young pulled his gun, you didn't see him then rush for a goose, did you?

A. No, sir; I was watching the other men.

Q. And what you did see was that when Young came in Flaherty went towards him and made a punch at him, and you don't know whether he struck him or not?

A. No, sir.

Q. (By Ald. LOMASNEY.) Was there a pistol in Young's hand when he came into the shop?

A. I couldn't say positively whether there was or not.

Q. Did you see his whole person?

A. I think I did.

Q. Did you see a pistol in his hand the minute he came in the door?

A. I cannot recollect whether he had it in his hand or not.

Q. Did you see a pistol at all?

A. I wouldn't swear to that, either.

Q. Did you see him hit Flaherty with the but end of the revolver?

A. I didn't.

Q. You saw no hitting on either side except the time that he made the punch at Young?

A. Yes, sir.

Q. And you are satisfied that there was no goose at that time in his hand?

A. I couldn't say.

Q. Well, was there a tailor's goose in his hand when he made that punch?

A. I couldn't say whether there was or not.

Q. You saw him?

A. Yes, sir.

Q. If he had had a tailor's goose in his hand, you would have seen it?

A. Well, I am not sure whether I would or not.

Q. Well, what do you want us to understand — that you saw a man with his hand make a punch at Young, and that you don't know whether he had a goose in his hand or not?

A. Well, I don't think he did have one at that time.

Q. And at that time was there a revolver in Young's hand?

A. I cannot recollect whether there was or not.

Q. Did you see his hands?

A. I suppose so.

Q. Well, did you see a revolver in his hands?

A. No, I didn't.

Q. What did Maguire do when he came into the shop?

A. Ran down to the further end of the shop. That is all I saw him do.

Q. Where did he land?

A. Down by the sink, at the end of the shop.

Q. Did any of the men assault you that day?

A. No; I wasn't assaulted.

Q. Did you use your revolver?

A. I didn't.

Q. Was there a revolver used outside before Young came into the shop.

A. I didn't see any.

Q. Did you hear any?

A. I think I heard one or two reports, but I am not sure.

Q. (By Ald. LEE.) Are you on the right or left of the door?

A. I was on the right of the door?

Q. Where is the shop?

A. Right down in the lower end of the yard; and I was on the right of the door.

Q. (By Mr. PROCTOR.) Mr. Neff, how many men were there in the shop at that time?

A. I think about sixty.

Q. Well, Maguire came in and ran down to the other end of the room? You saw that?

A. Yes, sir.

Q. How far was Flaherty from the door when Maguire came in?

A. Oh, I should say about fifteen feet.

Q. And Officer Young came in after Maguire?

A. Yes, sir.

Q. And he came in four or five feet from the door?

A. Yes, sir.

Q. Well, at that time — at the time when he came in — Maguire had reached the other end of the room, or was he going towards the other end?

A. He was at the other end.

Q. How soon after Young got in the door and stood there was it that Flaherty started for him? Was there any appreciable length of time?

A. Oh, a few seconds.

Q. But it was a very short interval of time?

A. Yes, sir.

Q. And you saw him strike at the officer?

A. I did, sir.

Q. Had there been any uproar in the shop previous to Flaherty's making a dash at Young?

A. Well, all the trouble started about the time that Maguire came in, but a few minutes before — of course, the trouble was going on at No. 1 shop, and I saw that my men were nervous and looking around, but not doing anything at all.

Q. Well, I suppose that as a matter of fact all this thing happened very rapidly?

A. Yes, sir.

Q. And when you come to sift out what any man did with reference to what anybody else did afterwards, it is very difficult to do it?

A. Yes, sir.

Q. It was a very short transaction, anyway?

A. Yes, sir.

Q. How long was it after Officer Young came in that the stool came over towards you?

A. Oh, it might have been a minute.

Q. It was a very short time?

A. Yes, sir.

Q. Almost at once?

A. Yes, sir.

Q. And I suppose that even before that the machines were being smashed?

A. Yes, sir.

Q. And they were smashing the windows?

A. Yes, sir — with their stools.

Q. And I suppose that when you got warning that a stool was coming towards you, from that on you were attending strictly to the business of Mr. Neff?

A. Yes, sir.

Q. (By Ald. LOMASNEY.) The whole trouble occurred after Maguire came into the shop?

A. After he came in; yes, sir.

Q. Was there any riot in progress in the shop, when Officer Young got in there?

A. Yes, sir.

Q. What?

A. Yes, sir.

Q. There was a riot in progress?

A. Well, I wouldn't say any riot.

Q. Well, were the men fighting in the shop using their stools, or anything of that kind, before he came in?

A. I think about the time he came in.

Q. They were — then there was a riot in progress?

A. I think about the time.

Q. Then was Flaherty taking part in that riot?

A. I didn't see him.

Q. Now, we want to get this thing just as it was. Was Flaherty sitting down at his bench when Officer Young came in, or was he in conjunction with the other men creating a riot?

A. He was sitting in his chair.

Q. At the bench?

A. No. He was waiting for a hot iron, I think, or something of that kind.

Q. There was no riot in progress when Officer Young got in there?

A. No, I think there wasn't.

Ald. LEE. — I understood him to say that the minute that Maguire came in the riot started. He said the men seemed to be uneasy, and that the riot commenced in probably a minute after Maguire came in — that he had time to go from the door to the further end of the shop — and that then the riot commenced, and that when Young reached there they were up in arms.

Q. (By Ald. LOMASNEY.) Was that the situation?

A. Well, it was about that time.

Q. Well, was it before or after Officer Young came in that the riot started?

A. It was after.

Q. And when he came in there was no riot in the shop, was there?

A. No, I don't think there was.

Q. And now, did Flaherty say anything at all? Did you hear any words pass between Flaherty and Young?

A. Not between Flaherty and Young, but I heard some words that Flaherty said.

Q. Well, what were the words that he said?

A. Well, when this trouble was going on at No. 1 shop, of course Flaherty was looking over towards the shop; and whatever was going on, I couldn't tell, as I didn't want to look around; but Flaherty jumped up from his chair and jumped into the middle of the floor, and he said, "Oh, the bastards!" That is just what he said; and sat down again. Then, after that, he jumped out there again and made a run for the door and said, "That's a damned shame," and sat down.

Q. Well, Young wasn't in the shop at that time?

A. No. This is before he came in.

Q. I mean, from the time Young came in, was there any words passed between Flaherty and Young before he made this pass at him?

A. I didn't hear him.

Q. (By Mr. PROCTOR.) Well, now, was Flaherty looking out the window?

A. Oh, yes; he knew what was going on in No. 1 shop.

Q. Was this about the time that you heard the shots outside?

A. Yes, sir; about that time.

Q. If he looked out the window, of course, he could see Maguire coming across the yard, and Officer Young coming across the yard if Officer Young did come across it?

A. Oh, yes, he saw him.

Q. And it was just before Maguire came in that you heard him use that expression that it was a "damned shame"?

A. Yes, sir.

Q. (By Ald. LEE.) And another expression — "Oh, the bastards?"

A. Yes, sir.

The CHAIRMAN. — Has any other member of the committee any questions to ask? If not, that is all, Mr. Neff.

EDWARD S. FELTON. — *Sworn.*

Q. (By the CHAIRMAN.) What is your name?

A. Edward S. Felton.

Q. You are here before this committee, Mr. Felton, to give such evidence as you care to give in relation to the management of the House of Correction here.

A. Yes, sir.

Q. Now, the Chair wants you to understand that you need not answer any questions which may be put to you which may tend to criminate yourself. Do you understand that?

A. Yes, sir.

Q. (By Ald. LOMASNEY.) You wrote this letter? (Handing letter to witness.) Is that your writing?

A. Yes, sir.

Q. Well, now, just state to the committee anything you want to, in your own way.

A. Well, the day of the strike—I want to commence that day of the strike—I was at work in the block-shop at that time—

Q. What was the date of that?

A. I have forgotten the date just now.

Q. What month was it?

A. I don't remember now.

Q. Well, go ahead.

A. Well, the day of the strike I was working in the block-shop—

Q. (By Ald. LEE.) Well, what year was this? There have been several strikes.

A. 1894.

Q. This present year?

A. Yes, sir.

Q. Now, we understand—because there have been several strikes. Now, go on.

A. I was sitting at the bench next to the window with a man named Martin, and there was no disturbance in the block-shop until there were three shots fired in the large shop, the No. 1 shop. There was then a movement made in the middle part of the shop, and Mr. Barnet got up and pulled his revolver, and he was trembling so bad that he pointed it at a crowd of men that was doing nothing at all and fired; and the shot hit one of the benches where a man had just jumped away. Now, in relation to myself, I was unjustly punished here some three months ago by a man named Mr. Hazen—not an officer now but he was day officer then.

Q. What is his name?

Colonel WHITON.—Hazen—H-a-z-e-n.

Q. (By Ald. LOMASNEY.) Well, state all about the punishment. What was the cause of it?

A. He said I was talking in chapel. I wasn't doing anything of the sort. There was three men to prove right beside me that I didn't do anything at all. I reported him to the colonel for sleeping while on duty—and it was not the first time he slept. The deputy had come in and caught him asleep and stood and gazed at him. He was then a day officer. Now he is a night officer.

Q. Where was he asleep?

A. In the shops.

Q. How long a time did he sleep?

A. Well, the colonel has got the days and dates when he was asleep. I gave them to him.

Q. Well, how long was he asleep the times that you saw him?

A. Well, five and ten minutes at a time, and then he would start to wake, and Mr. Barnet would send a note over to him. He would get on the chair again, after walking up and down.

Q. What was the punishment inflicted upon you?

A. My bed was out. I have been in trouble with heart disease, and was sleeping in the hospital at that time.

Q. How many times was your bed taken out?

A. Three times. Twice it was justifiable, and once an injustice.

Q. What other punishments were inflicted upon you?

A. That was all, sir.

Q. Never been in solitary?

A. No, sir.

Q. How long have you been here?

A. Going on six months.

Q. How long have you got to stay ?

A. Well, my full time is out the 9th of June; but if I am given all my days, I will get out the 5th of May.

Q. Have you seen any of the officers assault any of the prisoners while you were here ?

A. No, sir; but heard the noise. I was sleeping in the hospital at the same time that one prisoner by the name of Patrick Sheridan — I have known of the officers going in and choking that man until his tongue was out and he was black in the face.

Q. (By the CHAIRMAN.) How do you know that that is so when you couldn't see him ?

A. From the nurses. He was in the hospital at that time.

Q. (By Ald. LOMASNEY.) Who were the nurses ?

A. Worcester, is one of them.

Q. Is he here now ?

A. Yes, sir.

Q. What did he tell you about it ?

A. I could hear the noise —

Q. You were in the hospital ?

A. Yes, sir.

Q. And he was there under an officer ?

A. Yes, sir.

Q. And what did the nurse say ?

A. That he was choking him. Every one on the outside of the hospital could hear the man's cries.

Q. How long ago was that ?

A. Five or six months ago.

Q. Anything else ?

A. Yes, sir. Last Sunday night, and for the last six or seven nights before last Sunday, I have not been sleeping, and they changed me from the hospital to the prison. On account of the dampness of the rooms and my not sleeping, I imagined — I suppose I had fancies — and I imagined I saw a man at the door, and I raised a disturbance and was taken to the hospital. When I was in the cell after the officer had left that fetched me there, I raised my voice kind of loud, and Mr. Clark says, "If I had you out here, you rotten bitch, I would choke your wind off."

Q. (By Ald. LEE.) What is his name ?

A. Mr. Clark. I told him the next morning. I said, "I heard all of that last night"; and I went down and told the chaplain Tuesday morning. The chaplain said he would see the witnesses I had and lay the case before the colonel. He said he would see the two men; but he hasn't seen them.

Q. (Ald. LOMASNEY.) What was the occurrence that took place about your wanting to come before the committee when we were over here before and not being allowed to do it ?

A. On account of Mr. Barnet.

Q. Did you ask to appear before the committee ?

A. Yes, sir.

Q. Whom did you ask ?

A. The deputy.

Q. What did he say ?

A. He said he wouldn't let me see them unless they sent for me. I then asked the colonel, and he told me the same thing.

Q. How did you know the committee were here ?

A. I was in the West Wing, and a man came in. Mr. Manley came in, and I spoke up to him and asked him if I could speak to the gentleman that came in.

Q. Have you heard many of the prisoners say they wanted to appear before the committee ?

A. Yes, sir.

Q. About how many in the shop that you are in wanted to appear before the committee?

A. I don't know how many.

Q. To the best of your recollection?

A. I should judge about twenty-five to thirty.

Ald. LOMASNEY. — That is all I care to ask.

Q. (By Mr. PROCTOR.) Well, Mr. Felton, you were sent here for larceny from the person?

A. Yes, sir.

Q. Committed in Boston?

A. Yes, sir.

Q. Had you ever been here before?

A. Yes, sir.

Q. For what?

A. Larceny. — Three months.

Q. How many times?

A. Well, I hadn't until this year been here for the last seven years.

Q. Yes. Where have you been?

A. At Concord.

Q. At the Reformatory?

A. Yes, sir.

Q. For what?

A. Larceny.

Q. Of what?

A. From the person.

Q. How many times have you been sentenced for larceny from the person?

A. I couldn't tell.

Q. Do you mean that it is so many that you cannot tell?

A. Yes, sir.

Q. Well, you have been here now since what time?

A. The 9th of June.

Q. And the punishments which you have received consist of three nights with your bed out?

A. Oh, I have been punished more than that; but that was unjustly.

Q. I understood you to say that two of those nights it was just, but that the other one, it wasn't.

A. It was out three nights that it was unjust; but the other two times that I was punished was just. There was nine nights, altogether.

Q. Well, we won't say anything about those two times. If you admit that the punishment was all right, I haven't anything to say about that; but these three nights you say it was unjust?

A. Yes, sir.

Q. What was it that you were punished for?

A. Talking in the shop.

Q. Who said you talked?

A. Mr. Hazen.

Q. Hazen said you talked?

A. Yes, sir. He said it wasn't the first time — that there was two or three times.

Q. To whom did he say that?

A. To me; and then he reported me to the deputy.

Q. And then your bed was taken out?

A. Yes, sir.

Q. Now, there have been a good many days, of course, when you have been in the shop and have talked?

A. Yes, sir; and there has been a good many days that I haven't talked.

Q. You talked when you thought they weren't looking?

A. Yes, sir.

Q. You knew what the rule was?

A. I knew what the rule was; yes, sir.

Q. And you broke it whenever you could?

A. Not that day.

Q. I understand; but whenever you could, you broke it?

A. No.

Q. Whenever you wanted to, you did?

A. Yes, sir.

Q. And you did talk a great many times?

A. Yes, sir.

Q. So, when you wanted to talk, you did talk?

A. Certainly.

Q. That is what I thought. Then, you talked enough during the time you have been here since June, so that if you had been caught, you probably would have been punished by having your bed taken out three nights?

A. Oh, no.

Q. What?

A. Not at all. I have talked for two hours sometimes Saturday night.

Q. I am not talking about the yard, because they let you talk there.

A. You mean talking in the shop?

Q. Yes. I say that since you have been here, since the 9th of June, you probably have talked enough in the shop so that they might have punished you by taking your bed out for three nights?

A. No, sir.

Q. Then you haven't wanted to talk much, have you?

A. No, sir. What I done, I done by writing.

Q. That is, you have passed notes?

A. Yes, sir.

Q. Have you done that very often?

A. No — seldom.

Q. Well, you are pretty clever about such things? You don't get caught very often?

A. Well, sometimes.

Q. Well, how often have you been caught sending notes?

A. I haven't been caught at all yet.

Q. But you have been doing it right along?

A. Well, sometimes — frequently, yes.

Q. And the injustice that you complain of is those three nights that your bed was taken out?

A. Yes, sir; that is, with myself.

Q. And you never saw an assault made upon any prisoner while you have been here?

A. Oh, yes.

Q. But you have testified you didn't.

A. I haven't seen it, but I heard of it.

Q. I am asking what you saw.

A. I heard the cries of the men, and a man wouldn't cry unless he was in distress.

Q. Well, that may or may not be so. You didn't see the assault?

A. No, sir.

Q. You don't know, then, strictly, whether the man was assaulted or not?

A. No, sir.

Q. The most you know is that you heard cries?

A. Yes, sir.

Q. And of course you don't know what the man did, if he was assaulted?

A. Well, the man was talking out loud. It was necessary; he couldn't help it.

Q. Well, you are speaking now of this man Sheridan?

A. Yes, sir.

Q. Did he stop his talking?

A. Well, yes; but he would break out once in awhile.

Q. That is, he had been talking along to please himself, and I suppose they had told him to stop?

A. Well, he couldn't help it.

Q. But he didn't stop?

A. Well, he couldn't help it. How could he?

Q. Well, don't ask me questions. I have plenty to do to ask you. That is the only one you heard assaulted?

Q. Yes, sir.

Q. And that was when?

A. I don't know when. I don't know the day or month.

Q. And you say that Officer Clark said that he would choke you?

A. That he would shut my wind off.

Q. You thought he meant choking by that?

A. Yes, sir.

Q. And you had made considerable talk when they took you in there?

A. Yes, sir.

Q. You didn't want to go?

A. Certainly, I wanted to go.

Q. What did you make the talk about?

A. I was excited at the time.

Q. You were angry?

A. I was excited at the time.

Q. You were angry, weren't you?

A. Yes, sir.

Q. And you didn't submit to going without —

A. Oh, I submitted well enough.

Q. Well, what did you do after you got in?

A. Put a blanket at the door.

Q. What for?

A. Well, I told you I was excited.

Q. Well, was that the reason?

A. Yes. Mr. Clark came along and pulled down the blanket, and I told him to leave it alone, and he said, "If I had you out in the corridor, you rotten bitch, I would choke your wind off."

Q. You had no business to put the blanket up there?

A. Yes, sir.

Q. You knew that was a breaking of the rules?

A. He had no right to call me a rotten bitch.

Q. That is what you complain of?

A. Yes, sir; certainly.

Q. The rest of it was all well enough?

A. Yes, sir.

Q. (By the CHAIRMAN.) What have you to say in reference to the food here?

A. Well, they have soup six times a week here. Sometimes they have soup on Sunday, when the grease is floating on the beans.

Q. Is the soup good?

A. Well, no — not to my liking. It may be to some thirty-day men or three-months' men.

Q. Well, in what respect is it not good?

A. Not when you have it for a year steady — have soup six times a week.

Q. What did you have on the seventh day?

A. Well, we have beans on Sunday — sometimes bean soup, it is so greasy.

Q. Then you have soup six times a day and beans the other day?

A. No, not six times a day — six times a week.

Q. Six times a week, I should say. What kind of soups do you have?

A. Beef soup and mutton soup.

Q. Ever have any fish?

A. Yes, fish chowder — that is a soup, isn't it?

Q. Do you ever have any meat?

A. Meat in the soup.

Q. Outside of the soup?

A. Yes, sir.

Q. Well, what kind of meat is it?

A. Pork on Sundays, in the beans.

Q. Do you ever have any corned beef?

A. No, sir.

Q. Or any roast beef?

A. No, sir — had roast pork Christmas.

Q. (By Mr. PROCTOR.) Was it good?

A. Certainly, it was good.

Q. (By the CHAIRMAN.) Have you had your dinner to-day?

A. No, sir.

Q. Do you know what you are going to have to-day?

A. No, sir.

Q. Then they don't have a regular dinner for Thursday?

A. Oh, they have mutton soup; yes, sir.

Q. Well, then, you expect to have mutton soup, do you?

A. Yes, sir; yes.

Q. And you have plenty of it, as a rule?

A. Oh, plenty of it. I don't eat very much of it.

Q. What do you have to-morrow?

A. Fish chowder, with three half-crackers in it — a cracker and a half.

Q. Do you ever have any salt fish?

A. No, sir.

Q. And Monday — what do you have Monday?

A. Beef soup.

Q. And Tuesday?

A. Well, we have generally a little bean soup.

Q. Bean soup?

A. Yes, sir — pork floating around on the top.

Q. Do you have plenty of bread?

A. All I can eat.

Q. Plenty of water?

A. All I can drink.

Q. Tea and coffee?

A. I never drink tea.

Q. Well, you could have it, couldn't you?

A. If I wanted it; yes, sir.

Q. Do you drink coffee?

A. Yes, sir.

Q. Do you have that?

A. Yes, sir.

Q. Have any fault to find with the coffee?

A. No, sir.

Q. Then the main fault you have to find is that they give you soups?

A. Yes, sir. We would like a little dry feed once in awhile.

Q. They give you all the potatoes you want?

A. Certainly — in the summer.

Q. Well, don't they give them to you outside of the summer?

A. No, not in the prison. In the arsenal they do.

Q. Are the potatoes peeled?

A. Yes, sir. I peel my own potatoes.

Q. You peel them?

A. Yes, sir.

Q. Then they don't put them into the soup?

A. No, sir, — Friday they put them into the chowder, and Thursdays.

Q. And you could have the potatoes without the soup, anyway, couldn't you?

A. Oh, yes.

Q. (By Mr. PROCTOR.) What do you mean by saying they have mutton soup to-day is really that they have mutton stew? That is, there are meat and potatoes in it and some other vegetables?

A. Yes, sir.

Q. That is the same sort of soup that you have Monday, only that it is beef soup then?

A. No, — beef soup Monday.

Q. There is meat in it?

A. Yes, sir.

Q. And potatoes?

A. Yes.

Q. And vegetables?

A. Yes.

Q. And you get other potatoes with it, too?

A. Yes.

Q. (By Ald. LEE.) You don't like pork?

A. No, sir.

Q. (By Ald. LOMASNEY.) Did I understand you to say that you hadn't been here for seven years before this time?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. Do you know of any other prisoner being assaulted except this Sheridan while you have been here?

A. No, sir.

Q. How long have you been in the hospital?

A. Well, I have been in the hospital since last Sunday night, this last time, but for four months before that.

Q. How long have you been in the hospital the other four months?

A. About four months and a half.

Q. That you have been in the hospital?

A. Yes, sir.

Q. Do you find frequently there prisoners who are insane and crying out and acting as if they were being choked?

A. No, sir.

Q. This Sheridan is the only case, is it?

A. Yes, sir.

Q. And you imagine, as I understood you, that you saw a man in front of your cell door?

A. Yes, sir.

Q. And that is why you put the blanket up to the door?

A. Yes, sir.

Q. (By Mr. PROCTOR.) One question more. It has been said that you have testified that on Tuesdays you have bean soup. Isn't it a stew? Isn't there meat in it?

A. There is pork in it — there is meat in it.

Q. And beans?

A. Yes, sir.

Q. Did you ever write to the Commissioners?

A. Yes, sir; certainly.

Q. Did you ever write to the Mayor?

A. Certainly.

Q. They never refused to let you write?

A. Certainly.

Q. Whenever you asked, they let you do it?

A. Certainly.

Q. They furnished you with paper and envelopes?

A. No, sir.

Q. They didn't?

A. I was refused until I made a kick, and then I got an envelope one time.

Q. Well, you got an envelope?

A. But I have sent letters to the Commissioners, and I asked for envelopes and didn't get them.

Q. But you have got envelopes?

A. One envelope; and that is the day I wrote to the Mayor.

Q. When you wrote to the Mayor you got an envelope?

A. Yes, sir.

Q. (By Ald. LEE.) I wanted to ask you one question. You have been in the Concord Reformatory?

A. Yes, sir.

Q. How do the rations there compare with what you get here?

A. Very good. It is a very good place for a young man that wants to behave himself.

Q. Were you there long?

A. I was there twice — twenty-five months the first time, and twenty-one or twenty-two months the second time.

Q. What I wanted to find out was how the food compared here with what you received there?

A. I received better at Concord.

Q. In what way? Will you kindly tell us that?

A. In every way. I got milk on my oatmeal.

Q. You got milk with your oatmeal?

A. Yes, sir, and with my Indian meal; and I got hash in the morning, besides bread.

Q. Yes?

A. Well, everything up there is different.

Q. Different diet altogether?

A. Yes, sir.

Q. (By Mr. PROCTOR.) Did you ask for envelopes at the time that you didn't get them?

A. Yes, sir; I asked Barnet, and he said to see the colonel. I asked him to see the colonel, and he didn't come in.

Q. Well, he did come in some time?

A. Not for three days.

Q. When he did come in there was no obstacle in the way of your seeing him?

A. No, but I had the letter wrote and sent then.

Q. You could have seen him then?

A. Yes, sir.

Q. (By Ald. LEE.) I understood you to say that you had meat or soup five days and fish Friday and beans Sunday. Now, do you get any meat at all mornings for breakfast?

A. Yes.

Q. You get meat in the morning?

A. Yes.

Q. What is that?

A. I never eat any meat at all.

Q. No, but you know that they do get meat?

A. Yes. I don't know whether it is corned beef, or roast beef, or what it is.

Q. Well, that is, you get something?

A. Yes, sir.

Q. How many mornings in the week?

A. Mondays, Wednesdays, and I think it is Saturdays.

Q. Well, now, what do you get Friday mornings?

A. Friday mornings we get mush.

Q. But there are three mornings a week that you get meat?

A. Yes, sir.

Q. And Sunday morning you get your beans?

A. Yes, sir; Sunday morning.

Q. Do you get meat Thursday morning?

A. Yes, sir. I never eat it.

Q. But it is there?

A. Yes, sir.

Q. (By the CHAIRMAN.) Why is it that you don't eat any meat?

A. Because I don't like it.

Q. Well, you complain of not having dry food. What would you suggest, if you don't eat meat?

A. I shouldn't suggest anything.

Q. Then so far as you are concerned —

A. I would be willing to starve a man.

Q. What?

A. I would be willing to starve a man.

Q. You would what?

A. I say I would be willing to starve a man in preference to the soup they are getting here now.

Q. Then it is not because the food is not dry diet to which you object, but it is the quality of the soup?

A. It is the quality of the soup — and too much of it.

Q. Then you complain that you have too much soup?

A. Yes.

Q. Well, suppose they give you this soup in proper proportion at a meal, would that rectify it any?

A. I don't know. I don't eat very much, anyway.

Q. Well, you are not obliged to eat all they give you?

A. No, sir.

Q. Then in regard to this complaint of too much soup, if you have too much soup given to you, you can leave part of it?

A. Oh, I can leave the whole of it; yes, sir.

Q. (By Ald. LEE.) I understood you to say that you don't eat any meat at all?

A. I don't eat any cold meats; no, sir.

Q. What do you mean?

A. No cold meats. I eat fresh meats.

Q. Do you eat the meat you get in your soup?

A. Yes, sir.

Q. From what you said, I didn't know but what you were a vegetarian?

A. No, sir.

Q. (By Mr. PROCTOR.) One question — what do you get in the hospital?

A. I got my bread and tea this morning — bread and coffee. I don't eat there at meal-times.

Q. Did you ever?

A. No, sir.

Q. You never were in the hospital?

A. I was sick when I first came in.

Q. What did you get then?

A. I got milk.

Q. Yes; anything else?

A. Well, while I was in the hospital, twice a day, while the four months lasted, I got milk — a pint of milk twice a day, morning and supper.

Q. What else do you get?

A. I got my dinner with the regular men.

Q. (By Ald. LEE.) Were you ever at any other institution except Concord and here?

A. At Deer Island; yes, sir.

Q. Well, how does this compare with it?

A. This is better than it.

Q. Were you long at Deer Island?

A. No, sir.

Q. A short time?

A. Yes, sir.

Q. (By Mr. PROCTOR.) Were you only there once?

A. Well, no, two or three times.

Q. (By Ald. LOMASNEY.) And there are about twenty-five men in the shop that you think would want to testify, do you?

A. Yes, sir.

The CHAIRMAN. — That is all. Are there any other witnesses that you desire to ask for?

Ald. LOMASNEY. — No, sir.

Col. WHITON. — For fear there might be some misunderstanding, I would like to say that here is a man who writes me a letter — here is what he writes (handing letter from J. W. Lake to the Chairman). If you want to see him, all right.

The CHAIRMAN. — (After reading letter.) Well, perhaps as long as he has signified his desire to come before us, it would be a good idea to let him appear.

Mr. PROCTOR. — We should be glad to have him.

Ald. LEE. — And I would like to get a man named Tom Shaughnessy and Officer Fallon.

Col. WHITON. — Very well.

LAWRENCE P. FALLON. — *Sworn.*

Q. (By the CHAIRMAN.) What is your name?

A. Lawrence P. Fallon.

Q. You are an officer here?

A. Yes, sir.

Q. What office do you hold?

A. I am an officer in the finishing-shop.

Q. How long have you been there?

A. Six years next January.

Q. (By Mr. PROCTOR.) Officer Fallon, testimony has been given before this committee by Mr. Dolan to this effect. (Reading):

Q. You have seen officers under the influence of liquor?

A. Yes, sir; Fallon is drunk all the time. He is drunk to-day, and the deputy knows it, and the superintendent knows it.

Q. You say to-day?

A. Yes, sir.

Q. You say he was drunk to-day?

A. Yes, sir; drunk all the time.

Q. What shop is he in?

A. He is in — they call it the "slipper-shop," — the shop I work in.

Q. What time to-day did you see him?

A. All day. I am in the shop.

Q. How late did you see him?

A. On leaving the shop.

Q. When?

A. Quarter past four this afternoon.

Q. What was his condition then?

A. Pretty sober, because there is an officer relieves him, and he washes and cleans himself up, has a box of peppermints up in the shop to take the smell of the rum off his breath.

Now, Officer Falon, that is the charge that was made against you by Dolan; and what have you to say to it, sir?

A. False.

Q. Were you under the influence of liquor the day that the committee was here the last time?

A. No, sir.

Q. Had you been drinking anything that day?

A. No, sir.

Q. Have you ever drank anything and gone on duty and been in the shop?

A. No, sir. I never drank any liquor on duty, nor when I was going on duty.

Q. You are a day officer or night officer?

A. Day officer.

Q. How long have you been a day officer?

A. About five years.

Q. And you have been in the institution longer than that?

A. About six years.

Q. And your duties are in the shop?

A. Yes, sir.

Q. What shop?

A. The finishing shop.

Q. What time do you begin in the morning?

A. We reach there at seven o'clock. We commence work by feeding up the prisoners by six o'clock, and we commence work at seven o'clock.

Q. What time do you get through?

A. At dark.

Q. Do you sleep here in the prison?

A. Yes, sir.

Q. You say that while you have been here you never have drank anything when you were on duty or when you were to go on duty?

A. No, sir.

Mr. PROCTOR. — I think that is all.

Q. (By Ald. LOMASNEY.) You get your board here, also?

A. Yes, sir.

Q. (By Ald. LEE.) Well, now, about this Dolan — did you ever have any trouble with him?

A. Lots of it.

Q. Is he a troublesome prisoner?

A. One of the worst that ever was in the institution. He came here five years ago, nearly, and before he had been at work in the shop six months he began to raise the devil. I spoke to him, and he called me — —. I had him locked up. He has threatened to do me up outside, several times. Then when he came back, was acting badly. He struck me one time with a stool in the head, and hit me right across here with it. He is tough, and he goes about the place looking for trouble all the time.

Q. (By Mr. PROCTOR.) You thought it was time to take hold of him?

A. I was ordered by the deputy to take him out. He was exciting them to riot. I took hold of him and dragged him out.

Q. Did Dolan belong in the shop?

A. No. He came down from that shop to incite the men down below to fight.

Q. (By Ald. LEE.) How long has he been here?

A. He has lately been very quiet, but he is naturally a pretty hard customer. I think he has been here three years this month.

Q. (By Mr. PROCTOR.) How did he get down from the shop?

A. I happened to be out of the shop at the time.

Q. Where were you?

A. Down in No. 1 shop, where the fight was going on. He said, "Strike, you, — —, strike: I am with you," and all that business. Then when I was ordered to take him out, I took him out, but we had quite a fight, and he hit me with a spittoon. We got him out and stopped the others, though, but it wasn't very pleasant. But so far as choking him was concerned, I took him by the collar and dragged him out.

Q. (By Ald. LEE.) You didn't use any weapons?

A. No — didn't use any weapon.

Q. You never used a weapon on any prisoner?

A. No; but I have drawn a weapon when it was necessary, and I believe I would do it if it was absolutely necessary. Things are pretty hot when a riot is going on here. People are threatening your life, and making as much trouble as they can, and it may be necessary for a man to use a weapon.

J. W. LAKE. — *Sworn.*

Q. (By the CHAIRMAN.) What is your name, sir?

A. J. W. Lake.

Q. Well, Mr. Lake, the committee is here to ascertain some facts in regard to the management of this institution; and before you give any evidence, we want to say to you that you need not answer any questions which may tend to criminate yourself. Do you understand?

A. Yes, sir.

Q. (By Ald. LEE.) How long have you been here, Mr. Lake?

A. Ten months, yesterday.

Q. Have you ever been here before?

A. Never.

Q. This is your first time?

A. Yes, sir.

Q. Have you ever had trouble with any of the officers?

A. No, sir.

Q. Well, what I want to ask you about is this: Do you know anything about any of these riots that have occurred here?

A. I saw this last riot in the shop. I am working in No. 2 shop.

Q. You were in No. 2 shop. Is that where he fired the shot and hit Flaherty?

A. No; that is right under us.

Q. Will you tell us what the trouble was in your shop?

A. Well, the first thing was when the noise was heard in what they call the "big shop" here — the No. 1 shop. It first occurred there, and the noise was there, and the men got up and went to the windows, some of them, and looked out; and they said, "It is on! It is on!" I knew, of course, what it was, and I said there would be a strike. I don't think there was anything done until they heard shots fired in the yard, and some one says, "They are shooting them! They are shooting them!" I heard it two or three times — "They are shooting them down," or something like that — and then somebody hollered, "Well, let's go in, boys;" and they went at it, and broke up, I should judge, about twenty out of forty-nine machines.

Q. Well you didn't go downstairs?

A. I didn't go downstairs, though some of them did.

Q. Some of them did?

A. Oh, yes — quite a number of them.

Q. Well, now, what have you got to say as to the food that you receive in the institution, in a general way — take every day in the week.

A. Well, the food is quite substantial, and, as a general thing, it is quite healthy. I think it is rather wet. I think there is a little mite too much soup about it.

Q. A little too much soup?

A. A little mite. They furnish enough food; but if it was cooked a little drier I think it would be better for the digestive organs.

Q. That is, instead of having a stew, if they would have less of the broth with it, you think it would be better?

A. Yes, I think it would be a little better, because I think it creates certain fevers, and causes ulceration of the stomach. I find that very general here. There is not so much constipation as there is diarrhœa caused by lymphatic troubles, and other diseases which come from too much wet food.

Q. Well, haven't you ever seen any of the officers make an assault upon any of the prisoners?

A. No, sir.

Q. You have never seen it?

A. No, sir.

Ald. LEE. — Well, I don't know that I have any other questions to ask.

Q. (By the CHAIRMAN.) Have you ever been punished?

A. No, sir.

Q. So far as your observation has led you to observe, have you any complaints to make in regard to the institution?

A. I think there might be some improvements sanitarily. I think that in the bath-rooms there might be improvements. I should recommend shower-baths instead of tub baths, among the men who come here there are men with all kinds of diseases, and they go there and wash. One squad goes in and washes and gets right out, and another man is obliged to get in right after him, without the tub being washed; and of course any one does not need to be a physician to know that contagious diseases, and especially skin diseases, are liable to be contracted by coming in contact with it in the tub.

Q. May I ask what was your business before you came here?

A. Physician and surgeon.

Q. (By Ald. LEE.) Well, there is a suggestion. You would say that if a man wanted to take a shower-bath rather than one in the tub, there ought to be such a thing here?

A. Yes, sir. And it would be very much better for the health, you know, because what comes off of the body would go down to the floor and go off with the water, and a great deal of disease would be washed off.

Q. (By the CHAIRMAN.) That is, you would suggest that instead of the prisoners taking tub-baths that they take shower-baths?

A. Yes, sir. I should think it would be much better.

Q. And you would think it inadvisable to have any tub-baths?

A. I don't think it is necessary except in the hospital, where some of the men are unable to take a shower-bath, and where in some cases the falling of the water upon the head might be injurious. I think it would be much better for the men, because some of these men don't take baths, they simply stick their fingers in and rub themselves and jump right out. They don't wash as they ought to. It may be owing to their habits; but they don't wash. I think under the present management, too, that there should be more time allowed for the bath. That is, that the tub should be rinsed out after one man has used it before

the other man is obliged to get in. I know I stepped into the bath-room one day, and just as I was going in I saw a very dark-complexioned man coming out of it. Of course I couldn't see in so short a time whether he had any disease upon him; but it is bad enough to get in after a white man, without getting in after a nigger. I objected to getting in. At that time Mr. Butler was here, and I told him I would like to rinse that out. "Oh, this is not the Parker House," he says. I oughtn't to say anything against Mr. Butler, I suppose, because he is dead now; but the same system still continues. The tubs are not rinsed until the last squad comes out. They are rinsed then; but if there are two squads in one line, the one must get in just right after the other.

Q. How many are there in a squad?

A. Generally about twenty-eight; and I think there are fourteen tubs.

Q. Then, there are twenty-eight that wash in one tub?

A. No — fourteen tubs.

Q. Two in a tub?

A. Well, I don't know how many more do that; but I presume they do wash them out sometimes. I know that in the morning the tub has a different appearance. There is no slime in it from the washing of the last man; and when we get out late at night I have seen them take the brooms to wash it out — but this rushing one man in right after the other doesn't give them time to do it.

Q. (By Ald. LEE.) Is there one particular day when the prisoners take a bath?

A. Our shop is Friday.

Q. Each shop has a day?

Col. WHITON. — No; Friday is the day for the whole institution.

Q. (By Ald. LOMASNEY.) Could you give us your judgment of the hospital, as regards the medical attendance?

Mr. PROCTOR. — Well, I don't suppose that there is any claim that that is a suitable hospital at all.

The WITNESS. — The hospital certainly is not a suitable place for a sick man.

Ald. LEE. — I guess that is admitted.

The WITNESS. — Where it is situated, there is a circulation of air; and as to the medical treatment, I haven't a great deal of faith in it. I certainly didn't get any such treatment as I would give to any one when I was very sick to the hospital once.

Q. (By Ald. PRESNO.) Is it the same school of medicine as yours?

A. No, sir.

Q. (By Ald. LOMASNEY.) What do you want to criticise in regard to that, or what recommendations would you make?

A. When I went to the hospital I had an attack of the bowel complaint, and had pains in my stomach, and a soreness across here (pointing), and all of the symptoms of gastritis — and I am not one that gives up easily; but I walked out and went to the hospital. I could scarcely stand on my feet, and the doctor simply looked at me and says, "Well, what do you think the matter is?" I said, "I think I have gastritis." "Oh, you couldn't have that," he says, "it isn't possible. It is a very bad disease. If you had that, you would be in bed." I said that I didn't consider what one man would give up for, another would. "Well," he says, "tell me what is the matter?" Then I began to tell him. "Hold on," he says, "you are making yourself a very sick man." He says, "You are not very sick."

Q. (By Ald. LEE.) What doctor was this?

A. Dr. Bancroft. I told him then that I would like to have something. I said, "I haven't ate anything for two days." "Why haven't you?" he said. I says, "My bowels are so sore and my stomach is so

sore that I cannot keep it down. I have to vomit it up." And he gave me a dose of capsicum.

Q. (By Ald. LOMASNEY.) A dose of what?

A. Capsicum. That is all I got. I got nothing to eat except the regular food.

Q. If you were prescribing for a person outside with those symptoms, what would have been the proper treatment?

A. Well, I should certainly give him some astringent, and something to relieve the pain and soreness of the bowels, and some dietary food.

Q. (By Ald. LEE.) Did you ever report that to the colonel?

A. How is that?

Q. You never spoke to the colonel of that?

A. No, sir.

Q. You never went to the colonel about it?

A. No, sir. I went up in the shop and told the instructor, and he hustled around among the boys and got some other medicine that some of them had, and I got over it. I went to him afterwards, and I didn't get any satisfaction, so I left off going.

Q. (By Ald. LOMASNEY.) That is, you went to the doctor?

A. Yes, sir.

Q. What was the trouble the second time?

A. I had a swelling in here (pointing) and a pain in my head a great deal.

Q. Yes, sir.

A. I have always been troubled — pains and cramps — subject to cramps. I told him so. I said I should have some medicine, but he didn't send it to me. He asked me what I thought I ought to have, and I gave him a prescription. He says, "You can have all but the opium." I says, "Well, leave out the opium, then." He said I could have it, but I never got it.

Q. You were suffering a good deal of pain?

A. Yes, sir.

Q. And he gave you nothing to relieve you, only talked with you?

A. Yes, sir.

Q. (By Ald. LEE.) Will you kindly tell me what is the reason you didn't report that to Colonel Whiton?

A. Well, I didn't think that after I got well there was any need of it. I don't like the idea of reporting one officer to another for anything, anyway. I didn't think it was proper to make any disturbance about it.

Q. Well, you had no idea but that if you reported it to Colonel Whiton he would have rectified it?

A. I am positive that he would.

Q. That is what bothers me. Why didn't you report it?

A. Well, if it had continued, I should certainly have reported it to him.

Q. (By Ald. LOMASNEY.) But you suffered that rather than to go to him?

A. Yes, sir.

Q. How many times have you suffered during your incarceration without going to the doctor?

A. Perhaps a dozen or fifteen times.

Q. And do you know any other person to-day treated in a similar manner — by the physician, I mean?

A. I have heard them complaining.

Q. Well, is it a special case, or a general complaining among the prisoners about the medical treatment?

A. Rather general. I know of a man who was in the hospital with a little sore on his leg for sixteen months, until I told him what to do, about a month ago, and it is healing up.

- Q. What was his name, sir?
- A. Frazier — Alex. Frazier, I think.
- Q. A running sore?
- A. A running sore on his foot. He was in the hospital sixteen months. Last month I said to him, "If you have got through with the doctor and will do what I tell you, I will cure you."
- Q. Was the doctor treating him during that sixteen months?
- A. Yes, sir; he was in the hospital all that time.
- Q. How large was the sore?
- A. One sore was about the size of a penny. The other one must have been an inch and a half across.
- Q. What did it come from?
- A. It was a syphilitic sore.
- Q. He was in the hospital for sixteen months?
- A. Yes, sir.
- Q. How soon did he respond to your treatment?
- A. In about ten days.
- Q. Is he better now than he was?
- A. Oh, yes; one sore is all healed up, and the other is closing in, he told me last Tuesday. I saw him then, and he said, "I can stand on both feet now."
- Q. What was the treatment that the doctor was giving him?
- A. Well, his first treatment was iodide of potassium, and some salve that he compounded himself — I hardly know its ingredients. He also had a stomach sore, so that he used to vomit sour and bitter slime from his stomach; and when he commenced this acid treatment that I told him to get, he says he has stopped vomiting altogether. His sore is responding very readily.
- Q. Do you find at night that any of the prisoners suffer from a lack of medical attendance?
- A. Oh, yes.
- Q. You do frequently?
- A. Yes, sir.
- Q. And there is no physician to call. Would you believe in having a physician, a resident physician here? Would you recommend that?
- A. A resident physician would hardly be required here, I should think, if a man had proper treatment when he went down to the doctor in the first place. I never saw him examining a man. He don't examine the men.
- Q. He don't?
- A. No, sir. I have heard it repeatedly, and I know it through my own knowledge. I have seen man after man that have been sent there, and he never examined them any more than to sit up to a desk and write and look up at them; and sometimes, when they have a sore or the syphilis, he would take them in behind the screen. I know of other men who have been down to him and came up and emptied their medicine in the spittoon.
- Q. So that you believe the medical attendance here is faulty to a great degree?
- A. Yes, sir, I do. I think a man by the name of Casey sat right by the side of me in the shop; and I know that man's hands would tremble so that sometimes he did not dare put them to the machine. I have seen him take his hands away and jump like that (illustrating). He went to the doctor. He told him he wasn't sick at all. He says, "You aren't sick."
- Q. What was the cause of the man's hands trembling?
- A. In the first place, I think that the man is rather weak, and I think he was rather inclined to consumption; but his trouble at this time seemed to come from the stomach to the head, because of constipation; and he complained some with cramps here, some troubles. He

afterwards went down one morning and came back and broke one or two of the machines because he was mad, and then the colonel heard of it. I don't think he went to the colonel—I am quite sure he didn't until afterwards. The colonel heard of it, and I heard that the colonel put him in the hospital. That is the way I heard it. Of course we hear so many things here that I don't know.

Q. (By Ald. LOMASNEY.) Were you ever in the vicinity of the solitary cells when he was making his visit there?

A. No, sir.

Q. Then there is a general feeling among the prisoners that the medical attendance is not proper; and you, from your experience as a physician, say that it is not?

A. I should say it is not; and it is generally conceded not to be. I know of one or two men who have been to him—one man by the name of Gay, and he said that from the treatment that he had received outside for the same disease that this was the most inferior imaginable. His mode of operation was by passing, and it was almost inhuman. That is Gay, his name is. I don't know what his first name is. Then there are one or two other men here who seem to have gravel, and the doctor treated them by passing. Now, a doctor who would treat gravel in that way, is, in my opinion, incompetent to practise among men.

Q. And you know he has treated them in that way?

A. I know he has passed—that is, from what they say. They say, "He passed something into me;" and from the man's symptoms any man who ever was inside of a clinical school would know that it was gravel that ailed the man, and not stricture. A man was telling me that the other day—I don't know what his name is.

Q. And I understood you to say that the food furnished here tends to affect the prisoners in a certain way—the soup—is that right?

A. I think that it causes these abscesses in the stomach.

Q. Ulceration of the stomach?

A. Yes, sir; ulceration of the stomach.

Q. You have never been in the vicinity of the solitary cells at all, have you?

A. Oh, yes; passed them.

Q. Have you seen anything yourself of prisoners treated there? Have you seen the doctor in communication with them, or anything of that kind?

A. No, sir. I never saw any one put into them or taken out of them. I saw them after they came out, and I heard them say—well, of course, I suppose it is nonsense. I don't like to repeat what I hear, because I hear so much that I know isn't so—men who have different objects for making such reports. I give them allowance.

Q. (By the CHAIRMAN.) What college are you a graduate of?

A. I never graduated from a college. I went two years to the Bellevue College in New York City.

Q. What college?

A. The Bellevue; and then I went to Hamburg, in Germany.

Q. (By Mr. PROCTOR.) How long were you in Hamburg?

A. About four months.

Q. (By the CHAIRMAN.) What school of medicine do you practice?

A. The eclectic is what I have adopted. Of course, the Bellevue is allopathic.

Q. (By Mr. PROCTOR.) Where did you get your degree?

A. I only had it conferred from that college in Hamburg—none in this country.

Q. Not in this country at all?

A. No, sir.

Q. And you got it after a four months' course of study there?

A. Yes, sir.

Q. You got a degree of Doctor of Medicine?

A. Obstetrics.

Q. It was the degree of Doctor of Midwifery?

A. Yes, sir.

Q. You never got the general degree.

A. No, sir.

Q. How long ago was that?

A. About eight years.

Q. Where have you practised?

A. I have practised here and in New York and Chicago.

Q. Anywhere else?

A. Yes, sir.

Q. Where?

A. Lowell.

Q. And anywhere else?

A. Nowhere else.

Q. Now, as I understand it, the period of your practice covers eight years?

A. Oh, I have practised for twenty years, about.

Q. But I understand that you have only had your degree eight years?

A. I have practised about eight years; yes.

Q. How long were you in Chicago?

A. Well, I was there once about two years.

Q. What?

A. I was there once about two years.

Q. Well, have you practised there more than once?

A. Yes, sir — I was brought from there here.

Q. How long did you practise in New York?

A. Well, about six years, pretty near.

Q. Well, that makes eight years?

A. Yes, sir.

Q. And I am asking, of course, since you got your degree — where you have practised since you got your degree?

A. Well, since I have had that I have only practised about five years, I guess.

Q. And those five years was where?

A. Some of them in New York and some in Chicago.

Q. Then you haven't practised here or in Lowell since you got your degree?

A. Yes.

Q. You left that out?

A. Yes, sir.

Q. You have practised in both places?

A. Yes, sir.

Q. Then in the eight years since you have had your degree, you have practised in those four places?

A. Yes, sir.

Q. Which place did you practise in first after you got your degree?

A. New York.

Q. How long did you stay there that time?

A. I don't remember exactly.

Q. Well, you have some idea, I suppose?

A. Yes.

Q. How long was it — was it a month or a year?

A. Oh, it was over a year, surely.

Q. Well, how did you happen to leave and go to Chicago?

A. Well, that would be going into my family matters, which I would rather not do.

Q. Oh, if you don't wish to testify to it, I don't care to have you. How long did you stay in Chicago?

- A. About two years.
- Q. Then where did you go?
- A. Then I went away and didn't practise. I went away travelling through Europe.
- Q. What were you doing travelling?
- A. I went with Professor Baldwin through Europe.
- Q. What doing?
- A. I went with him as his private secretary.
- Q. That is, you abandoned the practice of medicine?
- A. Yes, sir.
- Q. Then you came back again?
- A. Yes, sir.
- Q. And where did you practise then?
- A. I came back to New York again.
- Q. How long did you practise in New York?
- A. I don't remember exactly, I am sure, about dates and times. I haven't got exact dates, because I haven't paid any attention to them?
- Q. Where did you go then?
- A. I came to Lowell, I think.
- Q. How did you happen to leave New York at that time?
- A. That is family matters.
- Q. Yes — very well. Then, when you went to Lowell how long did you practise in Lowell?
- A. Four months.
- Q. Was that previous to your arrest?
- A. Yes, sir.
- Q. And you haven't told us about practising in Boston at all yet.
- A. Well, I practised here about a year, I guess.
- Q. When was that?
- A. Well, let me see — it was about six years ago, I guess.
- Q. Six years ago?
- A. I think so.
- Q. That is, you practised in this place and that place and the other?
- A. Yes, sir.
- Q. And you were not very successful in the practice of medicine?
- A. Yes, sir: I have been quite successful.
- Q. What did you come here for, doctor?
- A. Conspiracy, I believe was the charge.
- Q. Conspiracy to do what?
- A. Something in the banking arrangements.
- Q. What did they call it?
- A. They called it "conspiracy to defraud."
- Q. They didn't call it a conspiracy to bank, did they?
- A. No, I don't think they did.
- Q. You came here in February?
- A. Yes, sir.
- Q. Where was this conspiracy, as they call it? Where was it carried on?
- A. In State street.
- Q. Then you were not practising medicine at that time?
- A. Yes, I was. I was only director of this banking business.
- Q. Where were you practising then?
- A. On Village street.
- Q. How long were you on Village street?
- A. About six months, I think.
- Q. That was just previous to your arrest?
- A. No — that was previous to my going away.
- Q. Oh, you went away?
- A. Yes, sir.
- Q. Where were you when you were arrested?

A. I was in Chicago at the time that the others were arrested. I didn't wait to be arrested.

Q. That is to say, you hastened?

A. I hastened; yes, sir.

Q. Had you ever been arrested before, doctor?

A. Oh, yes.

Q. What?

A. Yes, sir.

Q. How many times?

A. Once.

Q. Only once?

A. Yes, sir.

Q. Well, you said, "Oh, yes," so that I supposed you must have been several times.

A. Well, I suppose that every one in this place knew about it.

Q. Well, I didn't happen to have the honor to know. How many times did you say you were arrested before?

A. Once.

Q. What was the charge?

A. Forgery, they charged.

Q. Were you convicted of that?

A. Yes, sir.

Q. Was that in this State?

A. Yes, sir.

Q. How long a term did you serve?

A. Six years.

Q. In the State Prison?

A. Yes, sir.

Q. Well, you are an eclectic doctor?

A. Yes, sir.

Q. That is, an allopath, and whatever you see that you like to use?

A. Whatever I see that cures, I use.

Q. And of course Dr. Bancroft is one of the old school?

A. Yes, sir, he is.

Q. Now, there is some little friction among you men of science?

A. I never allow it to enter.

Q. What?

A. No, sir: I never allow it to enter.

Q. Well, that is a fact, as a rule?

A. It is a fact.

Q. And the allopaths don't like the eclectics very well, and the eclectics think the allopaths are old fogies?

A. He shows it more than I do.

Q. But I am right when I say that there is not good feeling between them?

A. Yes, sir.

Q. I suppose you would be glad to leave the machines and go into the hospital to assist the doctor?

A. Well, not under his direction.

Q. Well, then, there is some friction between you and him?

A. No, not personally that way; but in regard to his treatment, because I should not sit there with medicine at my hand and let them suffer and they not have the medicine, if I knew they needed it.

Q. (By Ald. LOMASNEY) Did you ask to appear before this committee?

A. No.

Q. How did you happen to come before this committee?

A. Well, I expressed my desire first—oh, this time? Oh, this is the same committee that has been here before—yes, certainly. I did think

then I would like to appear before the committee when you were here before.

Q. Did you express a desire to do so?

A. Yes, sir.

Q. To whom?

A. To the colonel.

Q. Was the committee in session when you did it?

A. No.

Q. It was after we had gone?

A. No — I don't remember. I think it was right after you had gone.

Yes, I didn't know when you went — that was the real fact.

Q. Did you desire to come before the committee yourself?

A. Yes, sir.

Q. And the colonel said then he would attend to it?

A. Yes, sir.

Q. Did he ask you what you were going to testify to?

A. No, sir.

Ald. LOMASNEY. — That is all.

The WITNESS. — There is one other thing that I would like to speak of, and that is in regard to this gas. The gaslight that is furnished to the men in those cells is a cruel inhumanity.

Q. (By the CHAIRMAN.) What is it?

A. The gas that shines into the cells.

Q. (By Ald. LOMASNEY.) You mean for reading purposes?

A. It is too far away, and it makes a man who wants to read hurt his eyes. You know it is a great temptation to want to read, and it destroys one's eyes, almost.

Q. You believe that the gas jets should be very much nearer to the cells?

A. Yes, sir.

Q. (By Mr. PROCTOR.) Well, the cell door itself is a hindrance in reading, of course, even if you did have the gaslight near enough?

A. Yes, it is — that has something to do with it.

The CHAIRMAN. — That is all.

THOMAS SHAUGHNESSY. — *Sworn.*

Q. (By the CHAIRMAN.) What is your name?

A. Thomas Shaughnessy is the name I am under.

Q. Well, you are here to give what information you have in your possession in regard to the administration of the affairs of this institution. The committee wants to say that you are not obliged to answer any questions that may tend to criminate yourself. Do you understand?

A. Yes, sir.

Q. (By Ald. LEE.) How long have you been here, Mr. Shaughnessy?

A. Between six and seven months.

Q. And how much longer have you to serve?

A. I was transferred from Concord — indefinitely.

Q. Well, I suppose you mean by that that the time you are here depends somewhat —

A. It depends entirely on my behavior.

Q. How long were you there?

A. Two months.

Q. You were only two months at Concord?

A. Yes sir.

Q. What was the reason for transferring you here?

A. I believe for an habitual criminal — I think so, but I am not sure. That is merely a theory.

Q. That is, after you had been sentenced to Concord they found out that you had been arrested before?

A. Yes, sir — I was there for the second time this time.

Q. The second time?

A. It was my second time.

Q. What was you there for?

A. Breaking and entering.

Q. And the last time?

A. Larceny.

Q. Well, now, you have been here, you say —

A. Between six and seven months,

Q. And your sentence is indefinite?

A. Yes, sir.

Q. Now, what has been the treatment that you have received here?

A. Well, I consider the treatment has been better than I deserve.

Q. Better than what?

A. Better than I deserve, as a criminal.

Q. Better than you deserve as a what?

A. As a criminal.

Q. Oh, yes. Now, what do you mean by that?

A. Well, I don't think a prisoner should receive as good treatment as some do here?

Q. Well, have you ever been punished since you have been here?

A. No, sir.

Q. Never been punished?

A. No, sir.

Q. Well, have you known of any prisoners that have been punished here?

A. I have heard them speak of it. I never saw any punished. I never saw any one locked up.

Q. What shop are you in?

A. No. 3.

Q. Has there been any time since you have been in the shop or in the institution here that there has been any trouble or riots in the shop?

A. I was here in July, I think, at the time of the riot. I didn't see what was the cause of it. I heard a shot fired. I didn't see who fired it, or I didn't see — well, I didn't see who fired it, and that is enough, because my back was to the man that fired it. I didn't see it.

Q. Well, was there any trouble in the shop?

A. Not in that shop. I believe not.

Q. There was no trouble in the shop that you were in?

A. No, sir; not that I know of. I cannot say that there wasn't, but not that I know of.

Q. Have you known of anybody in the shop since you have been here that has been punished?

A. Well, not that I have seen. There has been men punished, I have heard them speak of it, but I never saw it.

Q. Do you know what the causes were?

A. Well, two weeks ago last Saturday I saw one young fellow fire chairs and a spittoon at an officer.

Q. Two weeks ago?

A. I think it was two weeks ago — two weeks ago Saturday, if I am not mistaken.

Q. Who was he?

A. I don't know what his name was. He fired it at Mr. Neff.

Q. Well, then, your opinion is, that if a man behaves himself here he will not be punished?

A. That is my opinion.

Q. Now, as to the food that you receive — have you any complaint to make of that?

A. None whatever.

Q. How does the food that you have received here compare with that which you received at Concord at the time that you were there?

A. I think that this food is better.

Q. In what way?

A. Well, the milk up there, I think, is adulterated. We receive no milk here. We get more oatmeal here than we do up there.

Q. Yes.

A. We get tea and coffee here that I think is better than that up there. The meat here, I notice is much more tender than it is up at Concord. I think the bread here is ever so much better than at Concord.

Q. The bread is better than at Concord?

A. Yes, sir.

Q. Have you at any time here heard that the officers were harsh with the men or abusive to them?

A. No, sir.

Q. Have you ever seen anything of that kind?

A. No, sir. Every officer I approached always spoke to me in a gentlemanly manner.

Q. What is the number of the shop that you are in?

A. No. 3.

Q. That isn't the block-shop?

A. No, sir; Mr. Neff's — the machine-shop.

Q. Do you know this Dolan that is in that shop?

A. He was upstairs, I think.

Q. He wasn't in that shop?

A. No, sir; he was upstairs.

Q. (By Ald. LOMASNEY.) Were you in the shop the day that Flaherty was shot?

A. I was in there that day; yes, sir.

Q. You were in there at that time?

A. At that time; yes, sir.

Q. Did you take part in the uprising in the shop at that time?

A. No, sir; none whatever.

Q. What was the first thing that you saw that day in the shop?

A. There was a young fellow — I don't know his name — who had a chair in his hand, and was running around breaking machines.

Q. Was that before or after Flaherty was shot?

A. I am not fully prepared — I cannot exactly remember whether it was before or after. I think if I gave you a decided answer, I would lie, because I am not decided enough about it to remember whether it was before or after.

Q. Did you see Flaherty when Young shot him?

A. I didn't see who shot him.

Q. Did you see him when he was shot?

A. I saw the blood streaming down the side of his face.

Q. Where was he?

A. On the left-hand side of the shop going in from the door. The noise of the shot attracted my attention.

Q. Did you see Maguire come into the shop that day — Tony Maguire?

A. I don't know him.

Q. Did you see any man?

A. I saw a man run in from the yard and holler something and run upstairs.

Q. What occurred after that?

A. This young fellow picked up a stool and commenced breaking a machine.

Q. When did you see Officer Young? Did you see him when he came into the shop?

- A. Yes, sir.
- Q. Did he have a pistol in his hand ?
- A. I couldn't tell very well, because I was sitting down to a machine — it was too low.
- Q. What did Flaherty do when Young came into the shop ?
- A. I couldn't say. I didn't see him.
- Q. How long was it after he came into the shop before Flaherty was shot ?
- Ald. LEE. — Well, you mean before he heard the shot ?
- Q. (By Ald. LOMASNEY.) Well, before the shot was fired ?
- A. Well, I don't know as I can give any decided answer to that.
- Q. Well, you were there. How long was it, as near as you can tell ?
- A. Possibly five minutes.
- Q. Did you keep your eyes on him during that five minutes ?
- A. No, sir.
- Q. Did you see Flaherty during that five minutes ?
- A. I saw him — when I heard the shot fired I turned round and saw his face bleeding.
- Q. Where was he then ?
- A. On the left-hand side of the shop.
- Q. Where was Young ?
- A. He was nearer the door. Flaherty was standing over there (pointing) and Officer Young here (pointing).
- Q. And that fellow that you spoke of that had the chair or the stool — was that before or after the shot was fired ?
- A. Before it, I think.
- Q. Did they rise up generally ?
- A. No — only two men.
- Q. Well, those two men were whom ?
- A. Well, I think there was only two. I am not sure of that, at all.
- Q. But they started before the shot ?
- A. Yes, sir.
- Q. Did any of the men break the machines after the shot ?
- A. No, sir ; I think not.
- Q. It was all done before it ?
- A. Yes, sir ; I think so.
- Q. And the windows were broken before the shot ?
- A. Yes, sir ; I think so.
- Q. Now, how many men took part in breaking the machines, and breaking the windows ?
- A. Well, two was all I saw doing any injury to the machines or anything.
- Q. Who were those two ?
- A. I don't know their names.
- Q. But the rest of the men were keeping quiet ?
- A. I couldn't exactly tell who was taking part in the riot. As I said before these two men were the closest to my view.
- Q. But there was no general uprising — no riot ?
- A. No general uprising among the men.
- Q. Did you see Flaherty strike Young that day ?
- A. No, sir.
- Q. Did you see Young strike Flaherty ?
- A. No, sir.
- Q. You saw no blows struck on either side ?
- A. No, sir.
- Q. Now, what kind of treatment do the men receive here that a criminal should not receive — that is too good for a criminal to receive ?
- A. Well, if a criminal didn't get as good food as they get, I don't think he would be so fat or so stout.

Q. Well, what food do you get that is too good for a criminal?

A. Well, I think — now, for instance, to-day, Thursday; it is mutton stew, or whatever it is. I call that good, nutritious food.

Q. It is none too good for you?

A. I think it is for a criminal.

Q. What would you feed a criminal on?

A. Not quite so much nutriment as he would get in that. Of course, I am not a doctor or —

Q. Well, you brought that thing up yourself. Now, what do you think is too good for a criminal that you get here?

A. Well, the oatmeal.

Q. You think that is too good?

A. I think we get it a little too often. That is, of course —

Q. Well, you believe it is good coarse food?

A. Yes, sir.

Q. Do you feel that that kind of food is too good for a criminal?

A. Yes, sir, I do.

Q. How is it served to you here, different from what it is in Concord? Do they have molasses at Concord?

A. No, sir. They have adulterated milk in Concord.

Q. You get milk in Concord?

A. Yes, sir.

Q. And you think that even without milk oatmeal is too good for a criminal?

A. Yes, sir. We get sugar with it here.

Q. Now, what else do you receive that is too good treatment for a criminal?

A. We get yellow meal and molasses — that is good nutritious food, I think.

Q. You think it too good for a criminal?

A. I think there is more nutriment in oatmeal than there is in Indian meal, but I think that is none too good.

Q. Well, give us what treatment you have received in food that is too good for a criminal?

A. I think that the oatmeal, if they didn't get it quite so often — I think it is too good to get it so often.

Q. What else besides the oatmeal?

A. Well, suffice it to say — Let it rest there.

Q. Do you want to withdraw that statement?

A. No, sir — nothing I have said.

Q. That statement that the food you receive here is too good for a criminal, you do not desire to withdraw?

A. I think it is in general.

Q. Well, let us get the particular things you receive here. Now, you have mentioned oatmeal and the mutton stew?

A. Yes, sir.

Q. Is there anything else?

A. We get good wholesome food every day, I think; and Sundays we get beans. That is good enough. I get them to home, the same as any Bostonian.

Q. Well, I want to get your idea of your treatment here that is too good for a criminal.

A. Because I think if a criminal shouldn't get such good food where he is, he would value his loss of liberty more, and would not be here so often. That is the whole idea in a nutshell.

Q. Have you been here before?

A. Yes, sir.

Q. When?

A. I left here on the 3d of March, 1888.

Q. How long were you here that time?

- A. One year.
- Q. How long were you here before that?
- A. About six months. I did six months then. After that I went to California.
- Q. Have you ever been in any other institution?
- A. In the Rhode Island State Prison.
- Q. How long were you there?
- A. Between eighteen months and two years.
- Q. What else?
- A. That is all, sir — except short terms I have been down to Deer Island.
- Q. Now, you understand that you are released from this institution here upon the recommendation of the master of the House of Correction?
- A. Yes, sir — well, and the Commissioners.
- Q. He and the Commissioners?
- A. Yes, sir.
- Q. What Commissioners?
- A. The State Prison Commissioners.
- Q. The Commissioners of Prisons?
- A. Yes, sir.
- Q. What trouble did you have in Concord?
- A. No misdemeanor whatever, sir.
- Q. How long was you in Concord?
- A. Two months.
- Q. Did you have any trouble in Concord while you were there?
- A. None whatever, sir.
- Q. Did you have the first time you were there?
- A. I escaped from there once, the first time.
- Q. Did you receive treatment in Concord that was too good for a criminal?
- A. I think a man has too many privileges for a criminal up there — that is, for an old offender as I was. I don't think it is any too good for the first offenders.
- Q. Well, this is the only institution you have been in where you think the prisoners receive better food than a criminal should receive? Is that the way you want to leave it?
- A. I want to leave it that the food in general is too good for criminals — that is the way I want to leave it.
- Q. (By Ald. LEE.) In quantity and quality?
- A. In quantity and quality. There is plenty of everything, I think.
- Q. (By Mr. PROCTOR.) They make it too attractive, you think?
- A. Well, I think the food — I think there is considerable notion in regard to the food.
- Q. You think that if they didn't make it quite so attractive you would hesitate about trying your hand at anything which would be liable to land you here?
- A. That is what I think.
- Q. That is, if they had to live on worse fare, and less of it, they wouldn't be so liable to do things which would bring them here?
- A. No — nor go to Chelsea so often and get thirty days.
- Q. (By Ald. LOMASNEY.) And you think, Mr. Shaughnessy, that the food you have received here and the treatment you have received is the best you have received in any institution?
- A. Yes; in any institution I have ever been.
- Q. Have you ever been in solitary confinement?
- A. No, sir.
- Q. I mean in this House of Correction?
- A. No, sir.
- Q. Have you ever been punished?

A. No, sir.

Q. What do you work at now?

A. A machine.

Q. What are you doing now?

A. I am making overalls.

Q. How long since you came from Concord?

A. Between six and seven months, — I think it was the 13th day of June.

Q. Have you expressed a desire to come before the committee?

A. You mean Concord?

Q. No, I mean coming here to testify?

A. No, sir, never did.

Q. I suppose the prisoners generally in the shop feel also that they receive better food and treatment than they deserve?

A. I haven't spoken to any man about that.

Q. Simply expressing your own opinion?

A. Yes, sir.

Q. Have you ever heard in your talk on Saturday afternoons in the yard of any prisoner who thought the food was too good for a prisoner?

A. I don't know as I ever discussed the subject.

Q. (By the CHAIRMAN.) This statement which you make is so much different from what we have heard that it really causes us some little surprise, and also the reason which you gave, that if the people didn't have as good treatment and as good food there would not be so many of them come here. Is that the idea?

A. Yes, sir; that is just what I think. I think —

Q. Well, that is the answer. Now, you say that you were here some time in 1888?

A. Yes, sir. I left the 3d of March, 1888.

Q. Yes, sir; was the food then as good as it is now, or is it better now than it was then, or is it any different?

A. We get the same food now we got then.

Q. Practically the same treatment?

A. Yes, sir.

Q. I understand, then, from your reasoning, that on account of the good treatment that you received in 1888, that you came back here again in 1894?

A. Not entirely that, sir. I was living the life of a criminal on the outside, and consequently I run my chances of being sent back to prison. It was optional on my part.

Q. Would you suggest to the committee that in order to prevent people from being criminals and coming back to the House of Correction, that the treatment should not be as good as it is at the present time?

A. I don't know as I would want to make any suggestion.

Q. Well, you say that the treatment is better than a criminal deserves?

A. Yes, sir.

Q. Now, then, a criminal gets three meals a day?

A. Yes, sir.

Q. Would you suggest that they cut it down two meals a day?

A. Well, when a man is getting a good thing he never wants to change it.

Q. Well, I know, but we want to get what suggestions you would make?

A. I wouldn't make any suggestions to the committee, sir.

Q. Well, but the committee understood you were speaking of having too good a thing.

A. I am speaking of nothing, sir. You have asked me questions, and I merely have answered them.

Q. But you say that the treatment here is better than a criminal deserves, and I am trying to get it through my head how much better, and in what respect it is. If the city of Boston is giving its criminals better food than they ought to receive, certainly the city of Boston ought to know it, in order that they might reduce the expenses of the food.

Ald. LEE. — I don't understand that he puts it that way, if you will pardon me.

The CHAIRMAN. — I will pardon anything that you say.

Ald. LEE. — I understood him to say that if they were not treated so well, that criminals would naturally vacate Suffolk county, rather than come here and take the chances of getting caught, and asking to be sent here rather than to some other institution.

The CHAIRMAN. — Well, that is about the idea as I got it. I am trying to find out from the witness how we can cut down the privileges or the treatment, and make the treatment perhaps not severe, but not so good as it is, in order to keep the criminals away from Suffolk county.

Ald. LEE. — Well, I understand him to say that he don't want to answer that, because while he is here he don't want the food cut down. I take that from what he says.

The CHAIRMAN. — Well, but the committee is here to gain all the evidence they can.

The WITNESS. — You might as well ask some of the government officials to have their salaries cut down.

Ald. LEE. — That would be a saving to the city.

The WITNESS. — Yes — more so than cutting down our food.

The CHAIRMAN. — But the question is this: You have here three meals a day, and you say that the food you receive is too good for a criminal. Now, if we could cut it down to two meals you wouldn't think that you were getting enough?

A. I will tell you what I think. If a criminal didn't receive so much to eat, he would be having his just deserts for violating the laws of the land.

Q. That may be, but, of course, there is a limit to that. You wouldn't believe in taking a man in here and starving him?

A. No, sir.

Q. Then you think that they get more than they need to eat?

A. Yes, sir. I get more than I need every day. I have always carried back bread and meat and soup — whenever I got more than enough.

Q. (By Ald. LOMASNEY.) What was your object in coming before the committee?

A. I didn't know, sir, that I was coming before any meeting.

Q. Well, who talked with you? Who was the official in this institution that talked with you before you came?

A. None whatever.

Q. You came at your own request?

A. No, sir.

Ald. LEE. — I sent for him.

Q. Oh! What was your object in making this statement that the prisoners were receiving too good treatment?

A. Haven't you asked me any questions, sir?

Q. I have asked you some questions, yes.

A. Didn't I answer your questions, whatever you asked me?

Q. Then you didn't have any object in making that statement?

A. None, except to answer your questions.

Q. What?

A. What object can a man have except answering questions?

Q. You understood my question? Had you an object in making that statement?

A. No object whatever. You asked me questions and I answered them fully.

Q. Do you desire now to have us believe that you think oatmeal is too good for a human being to eat?

Ald. LEE. — He don't say that. He says the quantity is too much — that it is too fine, and that it is too good for a criminal.

Q. (By Ald. LOMANSEY.) How is that, now?

A. I said I think we get too good food here for a criminal. I tried to make you understand that I meant a criminal. I don't say that if a man was at liberty it would be too good for him, but it is too good for a criminal.

Q. Are there any prisoners here who are not criminals?

Ald. LEE. — Yes — men that are sent here for being drunk. That is a misdemeanor.

Q. (By Ald. LOMANSEY.) Who is that, now?

Ald. LEE. — Well, isn't that true?

Q. (By Ald. LOMANSEY.) Well, take a man that is sent here for getting drunk — sent here for thirty days from Chelsea. Take the case of a man from there who is fined \$10 and is sent here because he hasn't the money to pay the fine; and we will suppose that that man has never been in any institution before. Do you think that oatmeal is too good to give that man?

A. I don't think that he ought to be put in with old-timers, the same as I am.

Q. Then the prisoners in the institution should be classified?

A. Yes. I don't believe drunks should be put in with a man like me that has been convicted as often as I have.

Q. What treatment would you prescribe to cure a man like yourself?

A. What?

Q. What treatment would you prescribe to cure a man like yourself?

A. Not quite as good food here,

Q. And what else? What treatment would you prescribe to cure you from coming back here again?

A. Well, keep me in a straight-jacket for thirty days, perhaps.

Q. And what else? Lock you up in solitary confinement?

A. Not all the time.

Q. How long do you think you ought to be locked up in solitary confinement out of a month?

Ald. LEE. — Do you mean if he behaves himself?

Ald. LOMANSEY. — I mean that he comes here as an habitual criminal and he comes here —

Mr. PROCTOR. — He isn't an habitual criminal, or he wouldn't be here.

Q. Now, I want you to prescribe what you think would cure you, sir?

A. Is it necessary that I should answer that?

Ald. LOMANSEY. — Well, you have volunteered the statement.

The CHAIRMAN. — Oh, don't put that question to him.

Ald. LOMANSEY. — Well, I just wanted to see how far he would go.

Q. (By Ald. LOMANSEY.) Do you think you ought to be placed in solitary confinement when you go back from here?

(No answer.)

Q. Did you say that you should be placed in a straight-jacket and kept there for thirty days?

Ald. LEE. — He didn't say he ought to be. He said it might cure him.

Q. (By Ald. LOMANSEY.) Do you want us to understand that you prescribe that kind of treatment here?

(No response.)

Q. (By Ald. LEE.) You think that if that remedy was applied you wouldn't want to do anything and get caught in Suffolk county?

A. I don't think I would be liable to come back again.

Q. That is, if the treatment was harsher than it is?

A. Yes, I don't think I would be so liable to come back.

Q. You would go to some other county where you would be treated more liberally?

A. Yes, sir; if I could.

(Adjourned, at 2.21 P.M., to go to the Marcella-street Home.)

HEARING AT MARCELLA-STREET HOME.

The hearing was resumed at the Marcella-street Home at 4.34 P.M., Chairman HALLSTRAM presiding.

The CHAIRMAN. — Doctor, we have come here as a result of some evidence that was given last evening. We thought that perhaps you would like to have an opportunity before the investigation closed of giving your version of some of the stories that were told last evening. That is what we are here for to-day. Now, if you would like to know, perhaps we can acquaint you with what has been said in some way or other; and if you would then like to tell your story to the committee, we would be very glad to hear it.

Dr. A. B. HEATH. — I shall be pleased to tell the committee, and to answer any questions, of course. I think I know pretty well what was testified to, as Mr. Pilsbury and Mr. Proctor have told me. Of course, I don't know exactly what he said.

The CHAIRMAN. — Well, we will take your testimony; and, inasmuch as all the witnesses heretofore have been sworn, I will ask the Clerk of Committees to swear you, and then we will take your testimony.

Dr. A. B. HEATH. — *Sworn.*

Mr. PROCTOR. — I will ask the doctor a few questions.

Ald. LEE. — Yes; that is a better way, I think.

Mr. PROCTOR. — It may be that I will overlook something, but I have it pretty well in mind.

Q. (By Mr. PROCTOR.) Mr. McCaffrey testified last evening, doctor, in regard to a child whose feet were, as he said, badly bitten by rats. He testified, I think, also, that there was but one case to his knowledge, at least, where the child was badly bitten. Do you remember that case, doctor?

A. I do; yes, sir.

Q. Well, what were the facts in regard to that?

A. Well, I think it was a year ago last August that the nurse called my attention one morning to a child. She said she heard it cry out in the night and didn't know what was the matter with it. I looked it over, and I saw this scratch down across the toe. We use a long night dress, and I accused her of pinning it over so that the pin scratched the child's foot, and said that she must have been careless about the pin; but she said that she hadn't pinned it. I looked it over and said, "Well, do you suppose a rat could have bitten it?" There was a drop or two of blood there. That was all. The child only came in the day before. There was also a mark on the side of the ankle, but whether that had anything to do with it or not, I don't know. I took the child over to the hospital, and when the mother came for it, I gave her the child.

Q. McCaffrey said that all the toes of the child on one foot was bitten severely; and that one toe — I think he said the little one — hung on by a little thread of flesh.

A. That is false.

Q. It isn't true?

A. No, sir; it isn't true.

Q. Well, I think he said this case occurred some time about the time you state — some time in August a year ago.

A. I never considered it of sufficient importance to make even a record of it; and consequently I cannot find the name of the child; but the nurse has given me the name that she thought it was. The nurse told me that it was a child that had only been here a day or two days.

Q. Mr. McCaffrey said, further, that the mother came for the child, and that you said the child had gone to the country and did not give the mother the child until some time later, when the child's foot was healed up.

Ald. LEE — He said that you told the mother the child was up in the country and made her wait for a month.

The WITNESS. — I have no recollection of that. That is a common occurrence with me. If they have a little complaint with their eyes or something the matter with their skin, or anything, so that I don't want to let them go, I often tell the mothers that; but I don't think in this case I did.

Q. Did you ever try to conceal from the mother the fact that that child's foot was bitten by rats and keep the child for a month?

A. No, sir.

Q. Nor until the child had recovered so that you could give it over to the mother?

A. No, sir.

Q. And I understand that instead of the child's toes being bitten nearly off there was only a mark on one toe?

A. That is all; on one toe — right over, as if you took a knife like that (illustrating). The nurse said she put a salve on it.

Q. Was it a serious injury?

A. No, sir, it wasn't.

Ald. LEE. — He said something about when the mother did come that the doctor told the mother that the child put her foot up against a steam-pipe.

Mr. PROCTOR. — Oh, yes; that you told the mother that the child put her foot up against a steam-pipe and burnt it.

The WITNESS. — I never told her anything of the sort.

Q. (By Mr. PROCTOR.) There was something said in regard to a child named Murphy, whom McCaffrey said was not taken care of at night as he should be, so that the child went into the bath-room and fell down three flights into the yard and was killed.

A. That is not true.

Q. What are the facts in regard to that?

A. The boy died in August, 1888. He was about eight years old. He had cholera morbus, and it was his second time. The first time that he had it he got some green pears off of a pear-tree that I had out here in the yard. He hadn't been over that for only about two weeks when some peddlers threw some green fruit over the fence, and he ate some of it and got it again. This night the nurse, who is not here now, but is married and gone away, left him and came downstairs for something. The watchman met the boy on the stairs and asked him what he was doing, and he said he jumped out the window.

Q. How old was the child?

A. About eight years.

Q. Was he injured?

A. No; there wasn't a mark on him. There wasn't a screen left open, or anything.

Q. Then the child didn't die the next morning?

A. No, sir. He died — well, I cannot give you the exact date, nor tell you just how long it was after he was put in the hospital. I don't remember just how soon he died, but there were no marks on him to show that he fell from the window.

Q. There was no injury on the child to indicate that he had fallen at all?

A. No, sir.

Q. And had his death the slightest connection with any fall that he had?

A. No, sir; none whatever.

Q. Well, he told about a child named McCall —

Ald. LEE. — Well, Mr. Proctor, he said that he was sure about this because he was sent up the next day to fix the screen.

Mr. PROCTOR. — Yes; do you remember anything being the matter with the screen?

The WITNESS. — No, sir; there wasn't.

Mr. PROCTOR. — He said, also, that there was a child named McCall that had a bunch on the neck. He said that the child died and that you signed the death certificate stating that he died of scarlet fever. Is that right?

Ald. LEE. — That is right.

The WITNESS. — My records show that the child was a scrofulous child, that it had the scarlet fever, and that it had an abscess in the throat. The nurse remembers that distinctly. It was one of the sick-est children I had with the scarlet fever.

Q. (By Mr. PROCTOR.) Of course scarlet fever is one of the most dangerous diseases there are?

A. Yes, sir.

Q. And this abscess was one of the incidental features of the scarlet fever?

A. Oh, a very common thing.

Q. You probably made the death certificate out as scarlet fever?

A. I certainly did.

Mr. PROCTOR. — Yes. Well, that disposes of that. I don't know whether there was anything else that he testified to or not.

The CHAIRMAN. — I didn't hear him; so I don't know.

Q. (By Ald. LEE.) Well, those vegetables. Mr. McCaffrey said he sent you up some vegetables from Long Island?

A. Well, I have no recollection of receiving them but once, and that happened because I met Dr. Cogswell on Beacon street and he asked me about the vegetables — why I didn't thank him for them, and I told him I would thank him when I got the vegetables first. He said he had been sending them to me right along. I made inquiries from my expressman, and he said he left them at McCaffrey's house. I asked him if he left them there more than he did here, and he said, "Oh, yes." He isn't working around here now, but he is somewhere about the city.

Q. (By Mr. PROCTOR.) What you mean is, that if Dr. Cogswell sent them up more often, you didn't get them?

A. No, sir.

Q. And, so far as you know, you got them only once?

A. Only once.

Q. And McCaffrey admitted that he got them two or three times at his own house?

A. Yes, sir.

Q. But he only sent them up to your house once? —

A. Yes, sir.

Q. (By Ald. LEE.) He said he had a large box made holding about a bushel, that he sent it up to you, and you were to return it every Friday; and that if you didn't return it you didn't get any vegetables?

A. No, sir; that is not so.

Q. You say that Dr. Cogswell spoke to you about the vegetables?

A. Yes, sir.

Q. Have you any recollection of Mr. McCaffrey being over here one day to dinner with you, and that there were no vegetables here, and he made some remark to you about it, and said he would send you up some?

A. No, sir; I have no recollection of it. He never dined with me. He might have dined with the officers; but he never dined with me.

Q. He never dined with you?

A. No, sir; never.

Q. You never heard any of them say that the poor-house was furnishing vegetables for this institution?

A. No, sir; I never did.

Q. Now, there was something said about a child that was bitten in the cheek during this investigation, I think?

Mr. PROCTOR. — Yes, I think there was.

The WITNESS. — No such thing ever occurred here.

Q. It didn't?

A. No, sir; that was the only case where there has been any question about a rat doing it — that one time.

Q. (By Ald. LOMASNEY.) What was the name of the nurse that attended that child?

A. Ann Clancy had the cottage.

Q. I mean the child that was said to have been bitten by a rat?

A. Ann Clancy.

Q. Who attended the child in the hospital?

A. Miss Morrill.

Q. Where is she?

A. She is over in the hospital building on this side.

Q. Wasn't there some question in your mind as to whether it was a rat or not?

A. Yes, sir.

Q. Did the nurse say she saw the rat in the room?

A. No, sir. She moreover said she didn't.

Q. Now, about the Murphy boy — as a matter of fact, did he jump out of the window?

A. No, sir. He never would have been found walking upstairs if he had jumped down those four stories. He never would have picked himself up and walked upstairs if he had done that.

Q. I understood you that the nurse left the room?

A. Yes, sir.

Q. And that when she went back she found the child coming up the stairs?

A. No, sir. She went up and found the child was gone and called the attention of the watchman to it and they met him going up stairs, and he said he jumped out the window.

Q. From the front door?

A. Oh, no; from the door right by the library.

Q. He was delirious?

A. I don't believe he knew what he was talking about. He was never very delirious, though.

Q. (By Ald. LEE.) What do you say as to the cause of his death?

A. That he died from the cholera morbus. It is a short disease. Generally they will die in from one to six hours from the time they are taken. But, as I remember his case, I think he was sick a couple of days.

Q. (By Mr. PROCTOR.) Then I think he said that this Clancy woman had thirty-six children under her charge at one time?

A. No, sir; that is not so

Q. What is the fact?

A. I don't think I ever had more than ten children there without having some one to help her.

Q. (By Ald. LEE.) Is that Clancy woman here now?

A. Yes, sir, she is.

The CHAIRMAN. — Do you want to hear her, Alderman?

Ald. LEE. — Well, I don't know but we might as well if she is here.

Dr. HEATH. — I spoke to her about your coming and told her you might want her to testify. She was very much alarmed. As she was going to church Christmas morning, she slipped and fell and got a black eye; and she was bemoaning the fact that she had to appear before you in that plight. Of course, if you want to see her, all right; only I thought I would explain that.

Ald. LOMASNEY. — Let us hear what she has to say, and also the Morrill woman.

MARGARET A. MORRILL. — *Sworn.*

The CHAIRMAN. — We are here to get some information in regard to some testimony that has been given in relation to some things supposed to have taken place at the Marcella-street Home. We think you can give us some information on that subject, and as all the rest of the witnesses have been sworn, we will ask you to stand up and be sworn before you give your testimony.

The oath was administered by the Clerk of Committees.

Q. (By Mr. PROCTOR.) What is your name?

A. Margaret A. Morrill. Anna M. Morrill I always write my name.

Q. Well, Mr. McCaffrey said something at the hearing last night about a child which he said was severely bitten by rats a year ago in August, I think. His statement was that all the toes were bitten severely, but that one of them — I think the little one — was so badly bitten that it hung by a shread of flesh. Do you remember the occurrence, or any child who was injured on the foot?

A. Yes, sir; I remember a child that was injured.

Q. There was some talk, was there, that it might have been a rat that did it?

A. The doctor told me it might have been.

Q. Yes; well, you had charge of the child?

A. Yes, sir.

Q. What sort of an injury did the child have, and where?

A. It was very slight.

Q. Yes; where was it?

A. There was an injury on the right toe.

Q. Which toe?

A. It was the large toe.

Q. Were any of the other toes on the foot injured at all?

A. I don't remember that they were.

Q. You do remember that the child was injured on the large toe?

A. Yes, sir, I do.

Q. Well, how much of an injury was it?

A. Well, it was very slight.

Q. Well, was there much blood flowed from it?

A. There was none when I saw the child.

Q. What was done about it?

A. Done with the child?

Q. Yes, about the toe?

A. I did it up in some vaseline.

Q. Do you know how long the child remained here afterwards?

A. I couldn't say.

Q. It wasn't serious at all?

A. No, sir.

Q. And it was a question as to how the thing did happen?

A. I think it would have been; yes, sir.

Q. Had the child been long in the institution?

A. I don't know about that.

Q. You don't know about that?

A. I don't know about those things.

Q. Well, are there any other facts concerning that case that you can give to the committee?

A. Nothing that I know of.

Q. (By Ald. LEE.) Well, did you ever tell Mr. McCaffrey that you heard the child crying and that you went towards the bed where it was lying, and that you heard the rat jump?

A. No. I am not there, anyway. I am a hospital nurse. I don't have charge of the nursery. The doctor simply sent the child to me to care for, and that is all I know about it.

Q. That was the other nurse?

A. Yes, sir.

Q. Do I understand that you have charge of the hospital, and that you didn't see the child until it was brought over to the hospital to you?

A. I didn't see it till then.

Q. You didn't see the injury until the child was brought over to you?

A. No, sir; I didn't see the injury until the child was brought over to me.

Q. You didn't have charge of the child when it is said to have been bitten? You didn't have charge of the child at that time?

A. No, sir.

Q. Have you had any children come into the hospital since you have been here that have been bitten by rats outside of this case?

A. No, sir, never, — never had a child that has been bitten by a rat.

Q. Or said to have been bitten by a rat?

A. No; except that one, where the doctor said he thought it might have.

Q. Have you ever seen a rat in the sleeping-rooms at all?

A. I never have seen a rat in the sleeping-rooms.

Q. Was that Murphy boy that jumped out of the window in your charge?

A. No, sir — that was in the boys' hospital.

Q. I beg your pardon. Who has charge of that?

A. At that time it was Miss Nash.

Ald. LEE. — She isn't here now, doctor, is she?

Dr. HEATH. — No, she is married, and has gone away.

Q. (By Mr. PROCTOR.) Do you have charge of a cottage here?

A. No.

Dr. HEATH. — That is the other woman, Mr. Chairman.

The CHAIRMAN. — I think that is all, and we are very much obliged to you.

ANN CLANCY. — *Sworn.*

The CHAIRMAN. — We want to question you about some matters that are said to have occurred here, if you care to testify; and inasmuch as all the other witnesses have been put under oath, we will ask you to stand up and be sworn by the Clerk of Committees.

The oath was administered by the Clerk of Committees.

Q. (By Mr. PROCTOR.) You may sit down, if you please. What is your full name?

A. Ann Clancy.

Q. How long have you been here?

A. Seven years.

Q. What have you to do with the institution now, or what have you in charge?

A. The nursery.

Q. Where is that?

A. Down in the cottage.

Q. How many have you in your charge now?

A. Two, sir.

Q. Have you ever had so high a number as thirty-six under your sole charge?

A. Oh, no, sir; not without help.

Q. What is the ordinary number for you to have charge of?

A. Well, probably two or three at a time.

Q. Something has been said by Mr. McCaffrey in regard to a child who was said to have been bitten by a rat?

A. A rat, sir?

Q. Yes.

A. I cannot say that. I didn't see no rat.

Q. You didn't see any rat at all?

A. No, sir.

Q. Do you remember the child?

A. I remember the child.

Q. Were you the one who saw the injury first?

A. Yes, sir.

Q. How much of an injury was it?

A. Well, the first toe was slightly scratched.

Q. Any of the others?

A. And the last toe was slightly scratched.

Q. Severely scratched?

A. No, sir.

Q. Either one of them?

A. No, sir.

Q. Much blood from it?

A. No, sir.

Q. Did you know how the child came to have that injury?

A. Well, I didn't, sir; but when I spoke about it to the doctor and showed it to him he said it might be the scratch of a rat.

Q. And that is where the talk about the rat came in?

A. Yes, sir.

Q. What the doctor said?

A. Yes, sir; what the doctor said.

Q. What did you do for the child?

A. Well, I did nothing for the child. He transferred it to the hospital.

Q. That is all you know about it?

A. That is all I know about it, sir.

Q. Did you know anything about the case of a Murphy boy who was said to have jumped out of a third or fourth story window?

A. No, sir. That is the first I ever heard of it.

Dr. HEATH. — He was in the boy's hospital.

Q. (By Ald. LEE.) Did you ever tell Mr. McCaffrey — he was employed here at the same time, was he not?

A. Yes, sir.

Q. Did you have any conversation with him on the morning after the time that it is supposed that the rat bit the boy?

A. No, sir.

Q. You never told him that you saw the rat jump from the bed?

A. No, sir.

Q. You are positive of that?

A. Positive of it; yes, sir.

Q. Well, now, Mr. McCaffrey said that the little toe, or one of the

toes — I don't know which toe he said it was — was hanging only by a thread. Is that so?

A. Oh, no, sir. It was only slightly scratched.

Q. There were no stitches put in it?

A. No, sir.

Q. And you are positive that Mr. McCaffrey never had any such conversation with you about seeing a rat jump from the bed?

A. No, sir. I never saw the rat.

Q. Did you have any conversation with him at all about it?

A. No, sir, I never did.

Q. (By Ald. LOMASNEY.) I would just like to ask you a few questions. Did you hear the child cry?

A. Yes, sir.

Q. What time of the night was that?

A. Well, it was six o'clock in the morning.

Q. Six o'clock in the morning?

A. Yes, sir.

Q. You heard the child scream suddenly?

A. Yes, sir.

Q. Where were you?

A. I was in the room, dressing.

Q. What part of the building is that situated? Is it in connection with the other room?

A. Yes, sir.

Q. How many children were in the room?

A. There was only one. I had two children, one in each room.

Q. And one of them was this child?

A. Yes, sir.

Q. And you heard this child scream?

A. Yes, sir.

Q. And you then went over to the child?

A. Yes, sir.

Q. And what attracted your attention to the foot?

A. Well, I just heard the child scream, and I went to see where was the child injured. I went and took the child up and examined it and found that the feet were scratched.

Q. Well, what was the first part of the child that you looked at?

A. What was the first part of the child that I looked at?

Q. Yes; what did you do when you first went to where the child was?

A. Well, I looked it all over, and I soon found it was injured in the foot.

Q. And you saw this?

A. This scratch; yes, sir.

Q. Did you hear the child scream the night before?

A. No, sir.

Q. Or that morning?

A. No, sir.

Q. Did it look to you as though something had scratched it?

A. Yes, sir.

Q. Was that mark on the child the night before?

A. No, sir.

Q. You put the child to bed the night before?

A. I put the child to bed all right.

Q. And you saw the child's foot, and there was no such mark on it?

A. No, sir.

Q. That mark was made between the time she went to bed and the time she screamed?

A. Yes, sir.

- Q. You say there was no blood ?
 A. No, sir.
 Q. How did the scratch run on the foot ?
 A. Run across.
 Q. How many toes did it affect ?
 A. Only two.
 Q. Only two ?
 A. Yes, sir.
 Q. Was it the toe next to the big toe that was affected ?
 A. No, sir ; the first and the last.
 Q. How did the scratch run on the last toe ?
 A. How did the scratch run on the last toe ?
 Q. Yes ; lengthwise or crosswise ?
 A. Well, I think it was lengthwise.
 Q. And it was lengthwise on the big toe ?
 A. Yes, sir.
 Q. And there were none of the other toes affected at all ?
 A. No, sir.
 Q. And you say you saw no rat in the room ?
 A. No, sir ; I didn't see no rat in that room.
 Q. Did you see any rat when you opened the door ?
 A. No, sir. The door wasn't shut.
 Q. When you first came into the room, did you see any rat ?
 A. No, sir.
 Q. No rat around that morning at all ?
 A. No, sir.
 Q. What time did you see the doctor about it ?
 A. Right away ; and he transferred her to the hospital.
 Q. Did you ever see any other occurrences of that kind ?
 A. That is the only case that I have seen.
 Q. Was it like the scratch of a pin ?
 A. Well, I didn't know what it was until the doctor came, and he said it might be the scratch of a rat.
 Q. You never told Mr. McCaffrey that it was a rat ?
 A. No, sir.
 Q. Now, when a child has a pin-scratch, do you send them to the hospital ?
 A. The hospital ?
 Q. Do you send them to the hospital for a scratch, if they have a pin-scratch ?
 A. To the hospital ; yes, sir.
 Q. You do ?
 A. We do.
 Q. (By Ald. LEE.) Did you ever see a rat in any of the nurseries ?
 A. No, sir.
 Q. You never have since you have been here ?
 A. No, sir.
 Q. (By Mr. PROCTOR.) It was because the doctor ordered the child to be sent to the hospital that it was sent ?
 A. Yes, sir.
 Q. And if he hadn't, the child wouldn't have been taken to the hospital ?
 A. No, sir ; no, indeed.
 Q. Did you have charge of the child when it went out with its mother ?
 A. With its mother ?
 Q. Did you ever see the mother come for the child ?
 A. She didn't come to the cottage for it. It was in the hospital.
 Mr. PROCTOR. — That is all.
 The CHAIRMAN. — That is all, I believe.

Dr. HEATH. — I thought they could take care of it better in the hospital than over there, and so I ordered it taken to the hospital.

Mr. PILSBURY. — I don't know whether the Chairman or any of the committee would like to see where that Murphy boy is supposed to have jumped from, but if so, I should be glad to show them; and any one who sees it can see how absurd it is.

Ald. LEE. — I want to ask the doctor one question, inasmuch as my name and that of Mrs. Lee have been mentioned by one of the witnesses. Mr. McCaffrey said that while the scarlet fever was at its height here Mrs. Lee called and took away two children. Now, do you remember anything about that?

Dr. HEATH. — Well, I guess he referred to the McLaughlin children who were here.

Ald. LEE. — And there were three of those children?

Dr. HEATH. — Yes, sir.

Ald. LEE. — And one of them you didn't let Mrs. Lee take when she got the other two?

Dr. HEATH. — Yes, I believe that is so.

Ald. LEE. — Well, I wanted to ask you this, doctor. When those children went out was there any danger that anybody else who came in contact with them would contract the scarlet fever?

Dr. HEATH. — No; and if I remember I think I kept your wife waiting five or six weeks before I would let her take them.

Ald. LEE. — Now, Mr. Chairman, I only want to say that that statement was made for some purpose other than with good intent. Possibly he wanted to show that a member of the City Government could come and take a child out when others could not. As a matter of fact, Mrs. Lee waited six weeks to get those children. Her only interest in it was to grant the request of some people out there, and I can assure you that it was not a pleasant task to look after the mother for six months, and then to look after the children for six weeks. Mrs. Lee also wanted me to say that when she got the children here Mrs. Heath was present in the room with her two children, and she called the children in here with her own children; and when Mrs. Lee took the children away she shook hands with them and bid them good-by. I only wanted to have that cleared up, to show that what McCaffrey said about that was not true — that the disease was not at the height at that time that he claimed it was.

(Adjourned, at 5.11 P.M., to meet on Friday, Dec. 28, at 10 A.M., to hear the arguments of counsel.)

FIFTY-EIGHTH HEARING.

FRIDAY, Dec. 28, 1894.

The hearing was resumed at 10 o'clock A.M., Chairman HALLSTRAM presiding.

Mr. PROCTOR. — Mr. Chairman, do I understand that I am to have a certain length of time in which to address the committee?

The CHAIRMAN. — The committee are to allow each side three hours.

Mr. PROCTOR. — I assume, without knowing, that my legal brethren, Mr. Brandeis and Mr. Riley, each will argue. It has seemed to me, in view of that fact, that it is only fair for me to ask of this committee to give me, say, half an hour at the close in which to reply to anything which seems to me material, after they have finished.

Mr. BRANDEIS. — Mr. Chairman, I think that would be a most extraordinary position to take. It is the well-known practice in court that a petitioner, who has the opening originally, will have the close, and I hardly believe any reason exists why that well-established principle of procedure should be departed from.

Mr. PROCTOR. — Mr. Chairman, while what my brother Brandeis has cited is in accordance with the ordinary practice, at the same time the Supreme Judicial Court of Massachusetts allows an argument by the defendant first and by the plaintiff afterwards. It then rests with the court, and if there be anything that the defendant's counsel deems material to say by way of reply, as I understand it, the defendant's counsel always has that privilege accorded to him.

Ald. HALL. — Mr. Chairman, it seems to me that we had better proceed in the usual way.

The CHAIRMAN. — The committee will proceed for the present in the usual way.

Mr. PROCTOR. — Very well, sir.

CLOSING ARGUMENT BY THOMAS W. PROCTOR, ESQ.

Mr. Chairman and gentlemen of the Committee, I am glad it is my province to be the first to congratulate this committee that these hearings and this investigation, so long prolonged, is now drawing to a close. It is, I think, a case without precedent in the annals of Massachusetts. In the first place, no written specifications or charges were filed, and to that I attribute the great length to which the hearings have continued. The floodgates were opened wide to evidence and testimony of all sorts and as would naturally be expected, a vast amount of time has been consumed.

Moreover, I think there never was a case tried in this Commonwealth where outside influence has been so often and so steadily invoked to influence either the tribunal which is trying the case or the public, which has only an interest in the case as its representatives were trying it.

Newspapers have been, if not subsidized, at least enlisted, and editorial columns have been occupied day after day with arguments and statements of evidence during the progress of the trial and before the evidence was completed. If this had happened with reference to a case being tried in any of our courts, the editors and managers of those newspapers would have been liable to commitment for contempt of Court.

This must have been for a purpose, and it seems to me that I am doing nothing but my duty in calling it to the attention of this committee, merely as showing the bias under which this case has proceeded.

Charges are made, Mr. Chairman and gentlemen, against the Board of Commissioners of Public Institutions of Boston, and the charges may be reduced to two in number, as set forth in the opening statement or testimony of Mrs. Alice N. Lincoln. The first charge was mismanagement in the operation of the institutions—that was the first and principal charge—and the subsidiary or second one was said to be the necessity of radical changes in the management. That, of course, was an auxiliary claim.

The charges relate principally to three institutions—the Home for Paupers at Long Island, the House of Industry and allied institutions at Deer Island, and the House of Correction at South Boston, with now and then an occasional side-shot at the Charlestown Almshouse and the Marcella-street Home. But I take it that the charges against the Marcella-street Home have vanished into thin air, and although I may refer to them hereafter, it will only be by way of argument concerning certain testimony which has been put in here and which you gentlemen are asked to believe.

As to the Charlestown Almshouse, it is in evidence by people who claim to be experts, that while it is an old building it should be retained and should be carried on, although the building should be repaired. That we do not dissent from.

So I say, hereafter I shall address myself to the consideration of the facts concerning the three institutions—the almshouse at Long Island, the institutions on Deer Island, and the House of Correction.

There are nine charges made in the opening statement of Mrs. Lincoln. The first one is, "That the protection against fire at both Long and Rainsford islands is utterly inadequate, not even an alarm gong being furnished in any of the institutions." That is on page 16. To that we say that the claim was made and forced upon the attention of this committee at the start that there were no fire appliances absolutely at Long and Rainsford islands; that nothing was done whatever to protect the inmates there against the dangers of fire. But in cross-examination it appeared that the institution building had iron stairways in the middle and at both ends; that those in the middle were enclosed in brick walls and those at the ends as well; that the building was a 2½ or three story building; that therefore these fire-escapes—for they might well be so considered—were as good and complete as they need be, and Chief Egan, who was called here to testify that there were no fire appliances, stated that those stairways were suitable for exit in case of fire. Those were not noticed by Mrs. Lincoln apparently and were not noticed by the witnesses McCaffrey and Parker, at least until their attention had been specifically called to them in cross-examination.

Cochituate water was delivered on the island within sixty or ninety days after this present Commission went into operation. The stand-pipes are now in the institution building. They would have been before had the city of Boston provided the necessary sum with which to put them in. The Board of Commissioners for Public Institutions have no authority, under the charter of 1885, to make contract for any sum exceeding \$2,000; but the stand-pipes, as I understand it, cost a considerable sum more, and as soon as the money was provided those stand-pipes were put in.

It was stated with much vigor that there was no gong,—no fire gong. True, there was no gong which was called a "fire gong"; but there was a gong, and I am unable to see why one gong would not do as well as another, even if the word "fire" was not prefixed, for it certainly rang, and people heard it. If it was good enough to call people to

dinner I don't see why it would not be good enough to raise them at night in case of fire — because they don't, I am told, have dinner at Long Island more than once a day.

It was stated that there should be red lights provided to indicate the stairways. Red lights, as Dr. Cogswell, it seems to me, conclusively states, are exceedingly useful in a hotel, where men come and go, where a man gets a room for to-night and goes away to-morrow, and has no information as to the exit unless a plain sign is put before his eyes, while in a place like Long Island, where the inmates remain for a greater or less time, it seems to me they would be a useless and futile contrivance. Moreover, as there are only three stairways in the main building, no inmate could go very far wrong.

Then it was said that there were no fire ladders — and here the use of the word "fire" comes in to befog the public mind, and an attempt is made to befog you with that same word. A ladder is a ladder, and, as I understand it, wooden ladders are used by the Boston Fire Department. I am unable to see why, if there was a wooden ladder it was not just as useful to put up to the windows of the building in case of fire as it was to get a parrot down from a tree, as Dr Parker told us about. There were nine ladders on the island according to everybody's statement, excepting Dr. Parker's, ordered on the 3d day of October after the fire of the second of October. That was before this investigation began, and Chief Egan does not say that there was any necessity for more than two ladders. When Chief Egan said they needed two ladders they got them. It was claimed, and Chief Egan's report states, that there were not sufficient extinguishers. There were two extinguishers. Chief Egan said they needed more and they were furnished. Now, the Snow Cottage was burned. It is possible something may be said to you to the effect that that was the reason — that the fire appliances at the time were not sufficient. But the Snow Cottage, if you will refer to Chief Egan's testimony in cross-examination, could not have been saved by our Boston Fire Department, which you know fought so gallantly at the baseball grounds that the men, as the newspapers said, stuck to their engines until the spokes were on fire. The Snow Cottage, as Chief Egan said, with the brisk wind that was blowing and the ell and a portion of the left side of the building on fire, could not have been saved by anybody. It caught fire and burned, and that is no indication that there were not and are not sufficient appliances on Long Island at the present time.

There was a fire in the hospital. McCaffrey said there were no appliances with which to put it out, and he has given you a graphic and exaggerated account of how much fire there was. He said the whole roof was on fire. But they did put it out with what appliances they had, and the cost of repairing the building after the fire was put out, was, I think, but ten, fifteen, or twenty-five dollars, which conclusively shows that the amount of fire McCaffrey referred to existed simply in his distorted and vivid imagination.

Next we come to the water-supply. Now, the Commissioners of Public Institutions — as I believe erroneously, but as the law provides, — are obliged to buy water from the Water Board, and to pay for it just the same as other consumers. We may not believe in the method, but the Commissioners of Public Institutions are obliged to proceed according to law as far as they can. The pipe was laid by the Water Board and not by the Commissioners. It is true that a contract was made or plans were drawn before the advent of the present Board of Commissioners, but it was not laid and completed until after these Commissioners were in office. It was a 6-inch pipe. It was then sufficient to force the water to Long Island; but the Water Board, and not the Commissioners of Public Institutions, have tapped that pipe for use all over Boston Harbor, and it is not at all certain that a 6-inch pipe is large enough

under such circumstances. However, the Commissioners must take that as they get it.

A reservoir was planned and begun by the old board of directors, but they put it in a sink hole where you would need pumps to force the water into the building. The Board of Commissioners has been criticised for its abandonment. But it seems to me they did exactly the thing which should have been done in abandoning it, because City Engineer Jackson said that that was not the place for a reservoir anyway—that it should be on the top of the island, where it is now, and that present reservoir was begun in the fall of 1892, before this investigation began. It will soon be completed.

Now, a great many questions have been asked in your presence, gentlemen, in regard to \$4,000 which was spent for water to be delivered from Deer Island, because, it was said, of the lack of foresight of the Board of Commissioners. But as I am informed the break which rendered that necessary was a purely accidental break that might occur at any time. It might happen now, and if the Water Board could not within ninety or one hundred and twenty days repair the break, they would still be short of water at Long Island, although the City Engineer says that the reservoir they have is large enough.

Then there is much evidence in regard to cleanliness, and that is the third claim—"That the standard of cleanliness in the hospital at Long Island in regard to bed linen, clothing, and floors is far below what it ought to be." With respect to bed linen, the facts seem to be these, that they buy unbleached cotton to be used on the beds. That is a common practice throughout the country. It seems to have been adopted here, and, like the thickness of the soles on the ladies' shoes, it is an objection which will gradually wear away. The color will gradually become white by washing and bleaching, and it seems to me that that ought not to be laid up against the Commissioners of Public Institutions or the superintendent of that institution as a reason why the bed linen was not kept clean, because Dr. Fitz, if I rightly remember, said that when he first looked at the bed linen he thought it was not clean, but a closer inspection convinced him that it was unbleached cotton, and that it was clean.

Now, with respect to the clothing. There is absolutely no evidence, in this case, as I remember the evidence, which says that the inmates at Long Island did not have clothing enough or suitable enough, excepting the evidence of Mr. McCaffrey, who testified to anything, and that of Dr. Parker, who said that a nurse told him and he did not give the nurse's name and probably could not if he tried unless he evolved it, the same as he evolved other things, out of the deep recesses of his imagination. He never gave the nurse's name, so that all the evidence we have of the lack of clothing at Long Island comes from Mr. McCaffrey; and I wish to save Mr. McCaffrey to be dealt with later. I say, then, there is no evidence of a lack of clothing. All the testimony that has been put in here, when reduced to its lowest terms, amounts to a statement by Dr. Parker that an unknown nurse told him that there was a lack of clothing, and the statement of Mr. McCaffrey, who saw everything in all directions at the same time—and he saw a lack of clothing.

They say the floors were not kept clean enough. Mrs. Evans and Mrs. Lincoln both have talked about the lack of cleanliness of the floors, but Mr. McCaffrey comes forward and says that he kept them as clean as he could, and he is, as I understand it, the chief prop of this prosecution. Mr. Tudor, who is a sanitary engineer, a high-toned, truthful man, said that in his opinion the institution and hospital at Long Island were models of cleanliness, and I ask you to place that statement against the statement of Mr. McCaffrey and see to what conclusion you will come.

A further charge was made, Charge No. 4, "That personal cleanli-

ness in the care of hospital patients is not enforced." They have rules to make them bathe; they try to make them bathe—I dare say, Mr. Chairman, that the attempt is not always successful. Without any reflections upon the people who go down there as inmates, it seems to me fair to assume that those people are not over accustomed to the use of soap and water; that we should not expect too much from that class of people, because if we did they would not be in that condition where Mrs. Lincoln and Mrs. Evans both say they require so much moral and physical uplifting. So I say, it is easy enough to furnish the water and the soap, but unless you have scrubbing brushes and hose it may not be so easy to get these people clean. I believe in being clean, and I believe in all the proper and necessary means being used to make them clean. At the same time I can see how it is rather difficult to make a patient clean unless you wash him yourself.

Then they say that the food is bad—that is the 5th charge, "That the quality of the food is not what it should be for the sick, and that too little care is taken in the preparation of food for the well." That rests upon Dr. Parker and Mr. McCaffrey, now, as ever, the pillars of this case, and upon Mr. Simpson, who gave Mrs. Lincoln those lovely samples that he said came from ordinary use at Long Island, also pointing out a certain sink that was used for the mixture of a pudding. Now, the Visitors' Report—and let me say in passing that the Visitors' Report, McCaffrey and Parker formed the three legs on which this case is alleged to stand—the Visitors' Report makes absolutely no recommendation involving better food, so far as I can read it. It speaks of food, but at the end it makes certain recommendations, and if you can find there that they say that the food is not good enough for the sick or is not good enough for the well, you will find something that I do not find. The Board of Visitors, as such, make no recommendation in regard to that. Mrs. Lincoln went down there and says that she tasted of the food but once, and that was of the soup, which was good, and I don't think that even she would claim that they went to work and made that soup expecting her down that day.

Then we come back to Mr. Simpson. Well, Mr. Simpson is an unfortunate product of 19th century civilization or uncivilization. He has been an inmate of more institutions more times than any man yet known to history, and he is still in the clutches of the public institutions. I dare say he will always remain there. Mrs. Evans has no confidence in Mr. Simpson, because she says he is a chronic kicker—a chronic high kicker, I might say; that the only time she ever saw him when he was in a state of ecstatic satisfaction was when he was in the Charlestown Almshouse early in the summer, and that was only for once. He had done a lot of kicking at Long Island; he had got into the Charlestown Almshouse, and he was satisfied for a minute—and she saw him that minute. But when she saw him the next time he had relapsed into his old condition and was kicking as high and as hard as ever. So we come down, then, to our own testimony, because the Visitors do not object to the food—or anybody but Simpson, Parker, and McCaffrey. With Parker and McCaffrey I propose to deal later, and you will pardon me if I do not go into their history and antecedents just now. I say, then, that aside from Parker and McCaffrey, Simpson is the only person who really kicks about the food, and I am informed that he would kick under any circumstances. So it seems to me that that takes Mr. Simpson quietly out of this case.

But Mr. Pillsbury—and everybody compliments Mr. Pillsbury for his testimony, privately and publicly—testifies that the Commissioners buy good food, good stuff, that it is delivered by competitive bids to the various institutions, and that the superintendents are ordered to send back anything which is not good. That would seem to dispose of that. The Visitors do not object.

And we are now left to confront the sink in which the pudding was mixed. It seems to me, Mr. Chairman and gentlemen, that what Dr. Cogswell says about the sink-mixed pudding disposes of that as an element in this case, although Mr. Farmer's gorge did rise when he was told about it. Let me read to you a word from what Dr. Cogswell says in regard to it, on page 2877 :

To show you what I thought of this sink and the propriety of using it for the purposes we do, I will say that I am in the habit of drawing my Sunday ration of baked beans from the inmates, bean-pots ; that I often eat their meat ; that I ate a portion of nearly every bread pudding that was served, and always found them good. The pudding referred to was sour, because the bread was sour — not because of any trouble with the place in which it was mixed.

And he further says, just above :

If inmates relieved themselves as in a spittoon I never knew it, and they must be curious people who would do such a thing, knowing that they eat food prepared in it five days in the week.

Now, nobody saw them doing it, not even McCaffrey, whose eagle eye was looking out for such things all the time. He never saw any one spitting in the sink and only got it second-hand, and I imagine that they might have people mean enough at Long Island to tell such things when they were not so.

The sixth charge made by Mrs. Lincoln is

That sufficient paid assistance is not employed in the hospital, and that the grade of nursing is not so high as in similar institutions in this and in other States, where less dependence is placed on help furnished by inmates.

Let me say a word with regard to help furnished by inmates. Will you be good enough, Mr. Chairman and gentlemen, when you come to consider this case, to consider why, so far as they can be employed, it is not a just and proper thing to employ the inmates as nurses? It is one of the evils, they tell us, of this system we are now defending, that we do not employ the inmates enough. Why, then, should they blow hot as to that and blow cold as to employing inmates in the nursery, in the hospital, to do such things as they can do? It does not take a very high grade of intelligence to give a person a glass of water, and that, it seems to me, in itself does not require trained nursing. And the subject of trained nursing I will take up in a moment, when I get to it. But with respect to the nursing and the assistance I wish to refer you again to Dr. Cogswell's testimony on page 2880, where he says :

All this talk about an average number of patients to a nurse is nonsense, unless you know the character of the cases to be nursed.

That must be so. I could take care of 100 if they were all well, and the sicker they got the fewer I could take care of, and the time would come, I suppose, when I would not be competent to take care of one. Of course it depends on how sick they are and what their diseases are.

In some cases five patients to a nurse would be too many, while in other instances fifty would not. For example, April 28, Mr. Morphy, our nurse in Ward A, reported thirty-one patients under his care. Mrs. Lincoln and her friends would at once exclaim, "Overworked nurse, neglected patients!" Some facts : at 8 A.M. that day I visited the ward ; found two patients asleep in bed, the nurse playing checkers with a third, and the other twenty-eight not in evidence anywhere, — out around the island for a walk or over at

Loafer's Hall for a smoke, I presume. Nor is this an isolated instance. For the past year our daily average of patients confined to their beds has not been over thirty.

And that is out of an average of 150 patients in the hospital.

They say we correspond to Tewksbury in the class of cases treated. I say we do not, any more than that all large general hospitals treat about the same diseases.

Tewksbury came into this case with my Brother Brandeis' opening, and it has been held up to us as a model and a pattern ever since. I do not object to it—I am glad of it if it is something to which we can properly refer. But what do we say as to Tewksbury as compared with Long Island? Everybody says now—and there cannot be any question about this—that they are mostly chronic cases in the hospital at Long Island. Dr. Richardson says so, Dr. Fritz and Dr. Harris say so. They have rheumatism, old age, syphilis, and other things, with every now and then an acute case, and every now and then some one dies. But Long Island and Tewksbury do not correspond. One cannot be a marker for the other. At Tewksbury last year the average number of acute cases was forty per cent. of all; at Long Island it was only 24 per cent. There are not so many nurses needed, then, if there are not as many acute cases. The deaths at Tewksbury were 35 per cent. from acute diseases and 65 per cent. from chronic; at Long Island they were only 12 per cent. from acute diseases and 88 per cent. from chronic. The death rate at Tewksbury, which is our model, was 1.05 per cent. last year, while at Long Island it was only .75 per cent. Now, if Tewksbury is our model, and if the patients are the same, what do you say about the better care? You have 1.05 per cent. as the death rate at Tewksbury, and only .75 per cent. at Long Island. If there is to be any comparison to be drawn from these institutions as kindred institutions, is it not all in favor of Long Island as the place where they get better care and better attendance?

Now, much has been said in this case about a training school for nurses. I am astounded at that claim. As I understand it the object of training school for nurses is to make the best nurses possible, and, as I understand it, that is accomplished by our city of Boston in its magnificent hospital, filled with acute diseases, and where they do not receive chronic patients under any circumstances. That hospital has a department devoted to the training of nurses, and if it is a good thing—and I think it is—why is that not the place to train nurses, and not down in a pauper institution where they have chronic diseases? If a nurse were trained to treat chronic diseases, she would fall down the minute she struck acute cases. They haven't the facilities, they haven't the patients, and the city of Boston spends its money for a training school in the place where it ought to spend it—at the City Hospital.

Moreover, Mr. Chairman and gentlemen, we go a step farther, and from the evidence of the prosecution in this case, we say that we do not need trained nurses, for Dr. Parker—who walked back and forth with his hands on his hips, day after day, and his hair a-plush—testified under cross-examination that he never saw a case at Long Island where a trained nurse was necessary. I refer you, Mr. Chairman and gentlemen, to page 403, the last answer made by Dr. Parker at a certain hearing—as saying that he never saw a case down there that required the services of a trained nurse. Of course Brother Brandeis got at him in the intermission, and when he came back afterwards, he pulled out of him with forceps some cases where he thought trained nurses would be a good thing. But that was his spontaneous outburst—that they didn't need a trained nurse. Indeed, every one of the other doctors—and it is about the only place where they do agree with Dr.

Parker — said they did not need trained nurses down there, excepting Dr. Putnam, and Dr. Putnam is not a surgeon; he is a children's physician — a good man enough, I guess; I have nothing to say against him.

Now, they say, as the seventh charge — "That women and children are kept in an institution for men." Well, of course it is a good thing to separate the sexes in an institution like that. You will not hear me say a word against that. I am going to discuss that question a little more fully when we get to the subject of classification. But we say that we do it as well as we can, and when the new dormitory is done down there, which was begun, as I am informed, before this investigation started — one of the few things that was, they will say — we shall be able to put the women in one building and the men in another, as they ought to be, and then the city of Boston must provide a building in which to place the mothers and their children. When that is done you will have the complete separation of sexes in buildings, which the prosecution in this case demands.

The eighth complaint is, that, "There is no telephone connection between Long Island and the city of Boston." Now, you will not hear me lift my voice for a moment as to the lack of necessity for a telephone. That is a necessity. They ought to have it. But as I am informed — and as appears in this case — the telephone cable cannot be run on poles down to Long Island, as might be inferred from the claim that it should be put up in a minute when the cable broke. Cables do break. The Atlantic cable has broken a good many times. A new cable was necessary. An expert said that the old cable could not be patched up, that they must have a new one, and that \$4,500 was necessary; and here the charter of 1885 bobs up and says the Commissioners have no right in themselves to make a contract for more than \$2,000 — that the City Government or the Mayor must take care of it — and the Mayor did furnish the funds finally, and it was put in operation, and has been in operation ever since. We say we are not to blame for that. We did all we could about it. We used it before it broke, we had to get it fixed and we had to wait for somebody to do it for us, and when it was fixed, we were glad to use it. In view of the fact it is not just that that charge should now be held up against these Commissioners.

We now come to No. 9 — "That no attempt at classification is made." We deny that. The question of classification is a vexing question. It is not easy. There are certain things which can be done, and there are certain things which are done. Mr. Pilsbury has testified — and nobody has contradicted him — that they are now classified so far as the Commissioners are able, with the facilities at their hands, according to the physical condition of the inmates. The sick are separated from the well, the infirm are separated from the able-bodied. The males, as I have stated, under those conditions and circumstances, are separated, or will be, from the females. The children and their mothers are to be placed by themselves, and that is now done as well as possible with the present facilities. When you go a step farther you get into difficulty, because this classification, about which they speak, involves work for the able-bodied. Now, I will agree that work for the able-bodied is an exceedingly good thing, that if a man eats at the public crib he ought to do some work for the public at whose crib he eats. But I say that these three lay Commissioners took the advice of the Corporation Counsel — not by a certain specific opinion delivered to them, but by one delivered to a city official, Mr. Frank Morison, lately deceased, where Mr. Babson said — and rightly, as I think — that it was doubtful whether they had the right to employ them or punish them if they refused to be so employed.

I well remember, Mr. Chairman and gentlemen, when I was in the Law Department, in 1892, I think, Mr. Bailey and I sat down and

attempted to draw an Act which should enable Mr. John Galvin to make the paupers work down at Long Island. That Act I remember well. It was done at the request of Mr. Frank Morison and Dr. Jenks. The bill was not made a law, because it was too late in the year, and the bill which was drawn this year was killed in the Legislature for some reason or other. So the Commissioners have no certain authority, and if I were asked to advise I would not advise the Commissioners of Public Institutions that they had the right to make paupers work. They have not. It is a doubtful question, and, as Mr. Bailey well said, until that question is settled by legislation no man can properly advise the Commissioners to attempt it, and no superintendent would be safe in attempting it. He would be subject to suits innumerable. So I say that, in view of that state of the law, all this speculation as to making paupers work falls to the ground. When the law is passed, if the Commissioners and the superintendent do not make them work they are liable. Then punish them, but not now, when the law is not certain.

"But," they say, "they work up at Tewksbury. How does that happen?" Why, the statutes of the Commonwealth provide that the trustees of Tewksbury may make rules with penalties so that people who are in that institution may be obliged to work and may be punished if they will not, and when those rules are approved by the Governor and Council, they have the force of law. But there has not been any suggestion made here that these Commissioners or any one of these superintendents could make any rules which would have the force of law. When that is done, call us to account for it. But do not call us to account now, on the speculations of Mr. Hale and others. Mr. Hale, on his life, would not advise Dr. Cogswell to punish those people for not working, and be willing to respond in damages if his advice were wrong. That would test that question with Mr. Hale, the same as it would with any other lawyer.

Now, that is out of the way. The question of work is not certain. We now come to classification as to previous condition, previous history, or social condition. Is that an easy question? Is not every pauper alike under the law? Shall one be treated better than another? Are not these Commissioners organized and constituted to enforce the law? Are they not bound to treat every pauper like every other pauper, so far as privileges go, while the law stands as it is to-day? Have our philanthropic friends who have come here and testified day after day as given us one suggestion of classification? They say the bad should be separated from the good. But how? You push them into the question of details and you find that they have tied a string to their propositions and draw them back. Talk was made the other night about a partition in the buildings which might be used to keep the nice old men from the bad young ones, so that when they went to sleep they would sleep separately from the bad young men. But, as I understand it, about the only time when a bad young man is harmless is when he is asleep, and there is the least need of classification by a simple partition at that time, if at all. It is when he is awake and active that the bad young man must be looked after, and did we get one suggestion from anybody as to how that should be done? No. Mrs. Evans, bright woman as she is, expert on this question, having spent years in the study of it, having been trustee of I don't know how many institutions, and having come forward glibly enough with the claim that there should be classification, backed out and said that the only way she knew to classify these people was to get another superintendent. She reiterated that time and again and told me in cross-examination that the only thing she could say as the upshot, result, and essence of her study and experience, was embodied in the word "classify," and how to do it she did not know. She made me think very much of the Vassar girl who was talking about making bread, and

was asked how she made it. "Well," she said, "you take the sponge and you put it on the moulding board, and if it sticks to your fingers you put a little flour on and you roll it, and you nicely butter a tin and put the bread into it and put it into the oven, and when it is baked nice and brown you take it out and it is done." And the questioner said, "Well, how do you make the sponge?"—"Oh, well," she said, "we have nothing to do with that. The cook makes the sponge."

I wish to call the attention of this committee now to the witnesses who have appeared here with respect to Long Island: Mrs. Lincoln, Mr. Brandeis in his opening, Mr. McCaffrey, Brown, Dr. Parker, Chief Egan, Mr. Morphy, Mr. George S. Hale, Mr. Brownell, Mr. Warren P. Dudley, Mrs. Evans, Dr. Putnam, Mr. Thomas F. Ring, Mrs. Esther J. Brown, Mr. L. G. Farmer, Mary Moran, Charles E. Davis, and Mr. Higgins. Those are all the witnesses who have testified about Long Island. Each of them has made some fugitive statements with respect to the management of Long Island and the treatment of the people there; but Dr. Parker and Mr. McCaffrey are the people on whom this case is builded, and if they drop out of the case, as I think they will, there is exceedingly little left so far as Long Island is concerned.

Now, Mr. George H. McCaffrey is a police officer of the city of Boston—God save the mark!—and he is employed at Station 16 down in the Back Bay as a night officer. An honorable calling, but for a man who had the elevated ideas that he had it is rather an ignominious ending to a career which opened so very brilliantly. Mr. McCaffrey went to Long Island as a deputy, as he said the other night, thinking that Mr. Galvin was soon to be discharged, and that then Mr. McCaffrey would blossom into a full-blown superintendent. But, somehow or other, he failed, and that, Mr. Chairman and gentlemen, is where Mr. McCaffrey's feeling begins. He started, you will remember, Wednesday night, by saying that the reason why he testified was the letter of Mr. John Galvin telling him that he might give the Board of Visitors points. Mr. McCaffrey didn't say that was the reason last spring, but, with a great deal of dramatic force for which I greatly admire my Brother Brandeis, a letter from Father McAvoy was put into this case at an early stage of it, and that letter, Mr. Chairman and gentlemen, which was put into the case with an evident purpose, refers solely to the appointment of Mr. Smith as deputy, and to no other person.

Therefore, when Mr. McCaffrey came forward to say that the reason why he opened the flood gates of his wrath, his misinformation, his exaggeration, and his falsehood into this case was because of this letter, even Mr. McCaffrey could see that there wasn't the slightest justification for his course in this letter, because all the letter speaks of is the appointment of Mr. Smith as a deputy, and Mr. Smith is out of this case. So that Father McAvoy's letter was no excuse for him, and Father McAvoy did not inveigh against these institutions or their management in general, but only against the appointment of one man; and even Mr. McCaffrey could see that that left him, McCaffrey, with no special excuse for doing as he has done.

He now attempts to recover himself by saying that it was Mr. Galvin's letter. But if it was Mr. Galvin's letter the other night it was Mr. Galvin's letter last spring when he testified, and he either is telling you what is not true, or he is mistaken one time or the other, or his judgment as to what actuated him is of no consequence at all.

But Mr. McCaffrey's misstatements as to Long Island have outweighed the other things. Let me read to you the things wherein Mr. McCaffrey is wrong. He has testified that he saw Alexander Wallace working about the hospital the evening before he died. This is not true. The man was confined to his room for at least ten days before he died. He testified that Wallace was a middle-aged man—forty-five, maybe fifty, years old. Wallace was

seventy-six years old. Mr. McCaffrey swore positively and insisted upon it that Herrick died December 5—Herrick died December 7. McCaffrey says Dr. Parker told him he thought Nurse Hall gave Wallace the wrong medicine, and leaves the impression that this medicine killed Wallace. Both the statement and the inference are without any foundation whatever. Dr. Parker denies making any such statement to McCaffrey, and Wallace had no medicine at all that night. McCaffrey said that he started to put up shelves in the hospital for potted plants and that Dr. Cogswell stopped him. That is not true, although it might be perfectly proper that Dr. Cogswell should stop him. He says that Dr. Cogswell and Dr. Dever were guilty of neglect in the case of the McDonough woman, and tells you that Dr. Cogswell said to him that if Dr. Dever had been called twenty minutes sooner he could have saved her life, and not to say anything about it. We have shown you that there is no truth in this statement. The woman did not die in childbirth, as McCaffrey would have you believe. It was long after the child was born that convulsions began. Both Dr. Dever and Dr. Cogswell were in attendance on her. Everything known to medical science was done for her, and done without delay. Her life could not have been saved, and Dr. Cogswell never said to McCaffrey nor anybody else that it could.

Mr. McCaffrey said that he proposed to divide the institution building vertically, and thus separate the men from the women, and that Dr. Cogswell refused to do it. McCaffrey never made any such proposition. The plan was suggested and worked out by the City Architect, and was abandoned only when the new building for women, which is now nearly done, was assured. McCaffrey may have heard of the plan and may have talked about it, but that is all.

There was a mistake made in the burial of Frederick Rallion. The body was put in the wrong grave. McCaffrey at first said he would take the blame for that on his own shoulders. That was right, and the only mistake as to a burial at Long Island, so far as putting the wrong body in a grave is concerned, was committed by Mr. McCaffrey, who at first said he would take the blame for it. His neglect of duty made it possible. But he was not content to leave it so. He went on afterwards and said the reason why he did not personally inspect that burial was because Dr. Cogswell came along and ordered him to do something else, when, as a matter of fact, Dr. Cogswell was not on the island at all.

Now, Mr. McCaffrey testified here that he was not on Long Island on Sunday excepting when Dr. Cogswell was away in October, and that he last saw Smith drunk on Long Island on December 7. At the hearing before the Commissioners of Public Institutions, conducted by Mr. Pilsbury and Mr. Devlin, as testified to here, McCaffrey swore that he saw Smith drunk on Long Island May 21st and December 22d. Those statements are not true now or they were false when they were stated to Mr. Pilsbury, and Mr. McCaffrey and his advocates may take their choice.

But, singularly enough, Mr. McCaffrey has been shown up by another witness, Mr. Roberts. Mr. Roberts, whom I take it you will hear from before the close of the day, ran some sort of an institution—I daresay a very good one—uptown. You all know him or know of him. He was put on to show that McCaffrey, although his statements to you, Mr. Chairman and gentlemen were that things were going very badly at Long Island—he was put on to testify, and did testify that McCaffrey told him, when McCaffrey showed Mr. Roberts about the institution during the summer previous to this investigation, that it was a very well managed institution; that it was a fine place; that it was a heaven on earth for some of these poor people; and I think you will believe Mr. Roberts, especially in view of the fact that McCaffrey came on the stand the other night

and admitted everything about the conversation except the things that show him to be a liar.

But we do not stop there. Mr. McCaffrey, who desires to be everything to all men, to see all occurrences, to hear all things, and to do all things, went out of his way to make a gratuitous, wanton, and uncalled for attack upon one of the ablest city officials in my acquaintance — Dr. Heath. When this committee had decided not hear it, when Brothers Brandeis and Riley did not insist upon it, McCaffrey put into this case a claim that the treatment of infants at the Marcella-street Home was scandalous in the extreme, and he cited a number of cases and swore that they were true. They were, as I remember them, as follows — that a rat (and the impression which he desired to create was that rats were so prevalent and abundant in the Marcella-street Home that human life was no longer safe) had bitten a child's toes so severely that one toe hung only by a slender thread. He went farther and said that a child named McCauley was said by Dr. Heath to have died from scarlet fever, when in reality it had a large and fatal abscess on its neck, and that Dr. Heath deliberately falsified in making the death certificate required by law. He further said that a child named Murphy, of ten or eleven years of age, was so neglected that it had the opportunity to run to a third story window and fall out and received fatal injuries from which it died the next morning. He said that Miss Clancey, one of the nurses there, alone and unattended, had charge of thirty-six infants in the cottage; and he said with respect to vegetables — and Mr. McCaffrey has insisted upon putting vegetables into this case, the result of which he little thought perhaps would recoil on his own head — that vegetables were constantly sent to Dr. Heath at his request, but that he himself never got any except once or twice.

Now, this committee went to the Marcella-street Home yesterday, and Dr. Heath was heard, Miss Clancey was heard, and the nurse in the hospital, by the name of Morrill, was heard; and, singularly enough, the things which McCaffrey wantonly and without excuse interpolated into this case at its close, showed conclusively to everybody — what was sufficiently apparent before — that he is a colossal, monumental, alabaster juggler with facts; because Dr. Heath came forward and said that he saw the child whose toes were bitten; that there was no certainty that the toes were bitten at all; that nobody saw them bitten, and nobody saw the rat. Dr. Heath said that there was a slight cut on one of the child's toes; that the nurse took it to the hospital at his direction; that it was done up and healed, and that the statement of McCaffrey that the next day Dr. Heath told the mother of this child when she came for it that the child had gone to the country, was unqualifiedly false. Miss Clancey was called to the same point. She said — what might very well happen — that as she remembered it there was a slight cut on the big toe and a slight cut on the little one, but as for any of the toes hanging by a shred, they only hung so in the imagination of Mr. McCaffrey; that she saw no rat; that it was an exceedingly slight injury; that the toe was done up with salve, and the child got well; and that that was the only case where anybody ever suspected that rats did any injury there to the human frame, and that that was only a suspicion of Dr. Heath's.

But we go farther. Dr. Heath testified that the child Murphy never fell out of a window. Miss Morrill, the nurse, testified that the child never fell out of a window — that a certain portion of McCaffrey's statement had some semblance of truth in it, because he said that the child was missed. Miss Morrill had occasion to leave the hospital for a moment, and the child was missed. That, so far, was correct, but Miss Morrill said that she came out looking for the child, and the child walked up over the stairs, while McCaffrey said it was lying a misshapen mass outside of the building on the earth, and that it died the next morning.

Dr. Heath said it might well have been that the child said — and I think something was stated to the effect that the child said — that he had jumped out of the window, and that was all the basis for McCaffrey's story. But the child came walking up the stairs.

Now, as to the statement about the child who had this abscess in the throat, and who was said to have died of scarlet fever. Dr. Heath said that the child had what is exceedingly common — an abscess form in his throat as one of the results of scarlet fever; that the child died from scarlet fever, and that it was his duty to make the certificate as of a death from scarlet fever; that it did not die from an abscess foreign to scarlet fever.

McCaffrey said that Miss Clancey was in the cottage with thirty-six babes. She says there was never anything of the kind. Dr. Heath says the most he ever had in the cottage at a time were ten, and that whenever she had as many as that she had assistance. To that she agreed.

And then we come to the little episode of the vegetables. Now, Dr. Heath says that he got vegetables once; that he asked the man who drove the Marcella-street Home express down to the boat as to Mr. McCaffrey's getting the vegetables, and that that man said that he carried vegetables to Mr. McCaffrey's house a great many times. And so the story which McCaffrey told you that he had a two-bushel box made for Dr. Heath is utterly without foundation, and if he did have a two-bushel box made for the carrying of vegetables their destination was the house of George H. McCaffrey, and not the house of Dr. Heath.

That, it seems to me, nails Mr. McCaffrey. Like most men who talk too much it was impossible for him to keep to the truth a very large part of the time. In a word, Mr. Chairman and gentlemen, Mr. McCaffrey was a very tall man and he felt called upon to tell an exceedingly tall story.

We now come to Dr. Parker, a young man who was assistant physician down at Long Island and who assumed an exceedingly prominent position in this case at an early stage. Singularly enough, Dr. Parker started his direct examination with an equivocation to say the least. Let me read to you a few words, Mr. Chairman and gentlemen, on p. 329:

Q. Were you present at any of the other hearings?

A. No, sir.

Q. Why not?

MR. REED. — Mr. Chairman, I think that matter was explained before, why Dr. Parker was not here.

By request, the stenographer repeated the question, "Why not?"

A. Dr. Cogswell instructed me not to.

Giving the impression, Mr. Chairman and gentlemen, that Dr. Cogswell was trying to keep back material evidence which might serve to aid your committee.

At p. 385 Dr. Parker was asked in cross-examination as to this same thing:

Q. Have you given all the conversation that took place between you and Dr. Cogswell in reference to your attending these hearings after the first summons were served on you?

A. No, sir; I don't believe I did.

Q. Will you please give the rest of it?

A. I don't remember it at all. I told Dr. Cogswell that I was summoned, and I showed him the summons — that was in the evening of the day that I was summoned, — and he said that I could go up in the morning. Oh, he said later that I could go up with him and we would go up to Mr. Curtis' office, and he didn't think I would have to attend the hearing, but that Mr.

Curtis would know, and that next morning, about ten minutes before the boat left, he told me that I had better not go. Well, I told him that I was not very anxious to go, but that I didn't want to get into any trouble about it, and he said, "Well, if they need you I will send the police boat down after you."

Q. Now, have you told it all?

A. I don't remember. I don't know.

Q. Did he send the police boat for you that day?

A. No, sir, he didn't.

Q. Cannot you remember anything else that he said to you that day in regard to coming up here?

A. Oh, yes; he talked about the law. He said that even a legislative body could not compel a man to appear when he was summoned, that no one had authority to do that but a judge in court, and even then I could make excuses — that is, could get a written excuse.

Q. A written excuse?

A. Yes, sir.

Q. Now, have you stated it all?

A. I may have. I don't know. I may have said more or he may have said more; I don't know.

Q. What, if anything, did Dr. Cogswell say to you about the possibility of your testifying that day, if you came up?

A. He said he didn't think that I would have to testify; that they would not want me at that time; and I think I spoke about that if I was going to testify I should like to be here and hear what was said, and he said that it was to be in print.

Q. Didn't he give you the book to read?

A. He gave me the book night before last.

Q. Hasn't he supplied you with all the evidence as fast as it has been printed?

A. Yes, sir, he has. Well, I had the papers and the book, of course, night before last; and he told me considerable about it.

Q. Who gave it to you?

A. Who gave me what?

Q. The book.

A. Dr. Cogswell.

Q. Now, Dr. Parker, as a matter of fact, wasn't the only reason that Dr. Cogswell gave for requesting you to remain on the island that day was that your presence there was necessary, and that your presence here would not be necessary?

A. That was.

So the statement made by this young man that Dr. Cogswell instructed him not to come to the hearing, while it might be alleged to be correct, was given apparently with the notion that it might prejudice this case against Dr. Cogswell and against these Commissioners. But in cross-examination he was forced to admit that that was not the fact, and it was only in cross-examination that he made that statement.

Now, Dr. Parker testified with respect to fire ladders. He said that the fire ladders came just before he testified. In cross-examination he said two were there before and these came a month or six weeks before, but Dr. Cogswell said that they only bought two, and Chief Egan said he saw nine and that they only needed two, and those were the two that Dr. Cogswell ordered.

Dr. Parker said that the ventilation of the nursery and infirmary wards was only by windows. In cross-examination he said that the infirmary was only ventilated by windows. He didn't know that there were ventilators. There were holes in the ceiling, but he didn't think they extended to the roof — that they did not extend to the roof. The evidence is that they did go to the roof, and Dr. Harris said they went to the roof to the extent that snow was coming down through them when he visited the place, and there isn't any claim that there had been any

change in that part of the institution during the pendency of this investigation.

Dr. Parker tried to deceive this committee concerning Herrick's death, for he said at page 452 that a bristle probang—and we have heard a great deal about the bristle probang; I think it is worthy a little of our attention—that a bristle probang, if they had had it as a surgical instrument, would have saved Herrick's life by shoving it down his trachea, and that therefore the institution and hospital lacked suitable and proper surgical instruments. He couldn't think of anything else, and so he said a "bristle probang," but Dr. Harris went on the stand, and with all his skill and experience, laughed at the idea of putting a bristle probang down into a man's trachea, and said it would be as fatal a thing as you could do to him. So Dr. Parker comes back on to the witness-stand and shifts the location of his bristle probang from the trachea into the œsophagus, next door, and said that he made a slip of the tongue. But in his direct examination, where he laid the foundation for the statement that Herrick died from the lack of a bristle probang, when he was telling about the shortness of instruments at Long Island, he said that a bristle probang was needed for cleaning out the trachea or wind-pipe. That is at page 447 in the testimony.

Now, Dr. Parker might make a slip of the tongue once. He could slip between the trachea and the œsophagus once, but Dr. Parker is too bright a man to make the same slip twice in the same direction.

So that statement was either the statement of ignorance—and I give him credit for more brains than that—or it was a statement inspired by gangrened prejudice; and it was not until Dr. Harris had showed us what was the fact, that he felt called upon to remedy a statement which he knew was false and deceptive. But he did not correct himself often enough.

Now, Dr. Parker has made another remarkable statement which I feel called upon to comment upon, and that is his statement with regard to my brother Reed. Dr. Parker does not like Brother Reed. He does not like him because Brother Reed cross-examined him, and he made Dr. Parker, as he thinks, appear more or less ridiculous. He touched that self-love which I do not think is a quality lacking in Dr. Parker's make-up. He was put on the witness-stand and in cross-examination by one of the members of your Board he stated that he had been to the office of Reed & Curtis, that he had talked with Mr. Reed, and he was testifying the day after he said that talk was had. He was asked what the conversation was. He said, "I don't remember," at p. 527, and he said it repeatedly, so that if his tongue did slip into the trachea it didn't make any mistake about the conversation. He reiterated that he did not remember what the talk was at Mr. Reed's. Now, he did or he didn't. If he did remember it he lied; if he didn't remember it his memory is faulty and defective and is not worthy of the slightest trust, for if he cannot remember what happened yesterday how can he testify here and charge people with doing things that are wrong that happened months and months ago? I do not care which horn of the dilemma he impales himself upon; whichever way he goes he is impaled just the same.

But after Mr. Reed had opened this case, after he had stated all the things wherein Dr. Parker was in error, either wilfully or otherwise, then of a sudden Dr. Parker sees a great light. Then he experiences a change of heart and an outburst of memory, and he comes forward and says that Mr. Reed told him that there was a majority of Republican Aldermen and that his side of the case had half the Democratic contingent as well. I believe one of the Aldermen referred to the fact that there was an odd number of Democrats, to show that Dr. Parker either was venomous or off on his fractions. But we will let that pass. Dr. Parker felt called upon to state to this committee, as he had done before, things which were not true; and when he made those state-

ments about Brother Reed he made them inspired by dislike, and in the face of Mr. Reed's contradiction they fall to the ground.

Moreover, while attempting to make you gentlemen believe that Mr. Reed sent for Dr. Parker, it appears in evidence that Dr. Parker really went to Mr. Reed's office on his own business, to ask Mr. Reed a favor — that Mr. Reed would not bring out the fact that Dr. Parker had given to Mrs. Lincoln a towel, the property of the city of Boston, for the purpose of being used against the city's institutions, and Mr. Reed promised that he would not ask him, and he did not do so until the viper had turned.

That is Dr. Parker. I think it was exceedingly fitting that Dr. Parker should testify as near to the time when McCaffrey testified as was possible, and I think it would have been fitting if they had both been allowed to testify simultaneously.

It has been a great opportunity for him. He has now resigned. He has dropped out of the institutions, and he will drop out of this case into that obscurity. I take it, from which he will never emerge.

But before I leave him let me say one thing. At his last appearance he was full of plots and counterplots. He said that Miss McNamara had a plot against him; he said that Mr. Reed had a plot against him; and he said that they had a plot to get him over to Deer Island and do something with him over there. Let me say before I dismiss him, that if Dr. Parker were an inmate of any of our institutions and regaled us in one evening with as many plots as he developed here the other evening, I think any competent physician would put him under observation.

Then we have Mr. Brown, the Health Inspector. He went down on a special occasion at the request of Mrs. Lincoln when the water-pipe had burst, and when things were in a condition at Long Island that, singularly enough, Dr. Fitz said might happen any time at that model institution, the Massachusetts General Hospital. We have not been charged with breaking the pipe, but when they started they charged us with about everything else. But Mr. Brown said that he inquired, and that arrangements had been made for the water-boat to deliver water there the next day; that the difficulty would be overcome until the water main was repaired, and that the rest would be a matter of care simply. So that that matter, which has been commented upon *in extenso* resolves itself into an accident, and, singularly enough, Mrs. Lincoln got Mr. Brown to go down there very soon after the accident — that it was to be taken care of the next day, and after that it was simply a question of care.

Now, as I go along I come to the report of Chief Egan. Well, Chief Egan make a report. I suppose he is a sensible man. He said that they had nine ladders and needed two more — that they didn't have extinguishers enough, and they were furnished. Chief Egan's recommendations I have very little to say against, but Chief Egan's testimony is exceedingly valuable for one purpose. I was surprised, — I confess that I was surprised, — when I heard Chief Egan say that one of the Board of Visitors asked him to make his report as strong as he could. Now, I have noticed in my experience at the bar that if there is any man who can be relied on to tell a thing as it is it is a fireman. If there is any man who, from the nature of his occupation, is compelled to be quick and accurate of observation and hearing, it is a fireman; and particularly a fireman who by his merits has succeeded in pushing himself pretty nearly to the front, and when Chief Egan says that Mr. Ring asked him to make his report as strong as possible against the institution, Mr. Ring's statement that what he said was to make it as "soon" as possible, is a halting, lame, and impotent conclusion.

There was, then — Chief Egan's statement stands — some little venom in this case, some little venom on the part of the Board of Visitors

against somebody; and from what has been stated here by a number of witnesses I take it that it was directed sometimes at Dr. Cogswell.

Singularly enough Mr. Ring and Dr. Putnam deposited themselves in the same cavity, because Dr. Putnam, after having stated in the Visitors' Report, which he signed, that the hospital failed to cure, when he was faced with statistics which show that it outstrips the model one at Tewksbury, said that that did not properly express his notion—that what he meant was that they failed properly to “care”—exceedingly clever. He and Mr. Ring are both clever in that sort of thing. They travel very close to the line. But he signed the paper saying that the hospital failed to cure, and we drew the inference from that that at the time he signed it he believed what he said. But subsequent events showed me that he had not made the investigation which he was bound to make.

Well, Mr. Brownell saw some bedbugs, so he said, but Mr. Galvin said that Mr. Brownell at that time was very much in love; that he was engaged, and that what he, Brownell, told Mr. Galvin was that he saw the tracks of a bedbug.

Well, do you know, Mr. Chairman and gentlemen, we have been amazed from the beginning to the end of this case by the amount of criticism that has been made of the fact that there were bedbugs in public institutions?

MR. RILEY. — That is because you felt guilty.

THE CHAIRMAN. — The Chair will not permit any interruptions.

MR. PROCTOR. — Those people whom it is so necessary to uplift it must be necessary to uplift from some where. I take it that one of the things from which we all agree that it is a good thing to uplift them is bedbugs. I venture to say that if every bug were dispersed and scattered from the institution at Long Island and from the House of Correction now, it would be very much the same as a distribution of property. If the property of the world were distributed now I suppose before 2 o'clock some people would be richer than others; and I take it that it is very much the same with bedbugs. If you can get all the bedbugs out of the public institutions and do not let in any people who have got them I suppose you can keep the institutions clear; but so long as people carry them about with them I suppose they are going to carry them into the House of Correction and into the Almshouse; and the fact that Mr. Brownell told Mr. Galvin that what he saw was the track of a bedbug seems to dispose of the seriousness of that charge. I am against vermin, but it seems to me from all the evidence we have had in this case that bedbugs are not a serious element in the institutions. Everybody, every one of the officers, does what he can to remove them, and so far as the House of Correction is concerned, I take it that the only effectual way to remove the bedbugs is by applying the torch or dynamite. But of that later.

MR. HALE has testified. Mr. Hale has given us an opinion that he thought people could be employed under the law as it stood. But Mr. Hale is not certain of it, and, as I said before, I do not believe he would stake his professional legal reputation upon it if his clients were to be subjected to civil suits.

The only other people who have testified in regard to Long Island are Mr. Farmer, Mary Moran, Mr. Davis, and Mr. Higgins, and they have criticised the graveyard. I understand that there is no question now that the graveyard is all right at Long Island. They have criticised the records of death, and I understand that that criticism has practically fallen to the ground. The only lack, they say, is of funeral services, and I am sure if funeral services would do anything to alleviate the sorrow or sufferings of the inmates there, to help them in anyway, I should be first to advocate them. I see no reason why they should not have them.

Now, we close our case so far as Long Island and Rainsford Island

are concerned by referring to the testimony of Doctors Fitz. Richardson, Spring and Harris, for the present management of that institution and its hospital; and it seems to me that you will not pay heed to the claim so often reiterated in cross-examination that that institution was specially prepared for the reception of those men. I do not believe that this committee thinks that Dr. Cogswell is capable of any such thing as that, and when they testify that the hospital as they saw it was a good one, with proper nurses and with the proper things to do the work, I say that McCaffrey and Parker are "hoist with their own petard." Moreover, if we go back to 1891, when Mr. John Galvin was superintendent, we find that Dr. McCollom made a report as to Long and Rainsford Islands, which is in evidence, and he says that he found things there all right. And I don't think that this committee will say that Dr. McCollom did not see accurately, or did not report with truth the things he saw. Dr. McCollom said that that was a well managed institution, that it was clean, and that they had the things there which were needed, and it seems to me that Dr. McCollom's reputation, his standing in this town, his eminence in his profession, is more than an answer for any of the attacks that have been made upon his veracity by anybody in this case.

It has been said in your presence that Dr. McCollom committed perjury, by a man who expects himself — I don't know as he does expect it, however — to be believed by you. But of that I wish to say something hereafter.

That is our case for Long Island. Dr. Cogswell has testified, and, as Mrs. Evans has said, has read a remarkably able paper. He has subjected himself to cross-examination. You have heard it, you have seen it, you know the man. You know that he is an able man — he impresses everybody with that fact — and it seems to me that you will believe him. I have known Dr. Cogswell for many years and I have been surprised at the attacks that were made upon him, knowing him as well as I did. The attacks that were made upon him, many of them, it seems to me, were inspired by dislike, inspired in McCaffrey's case, possibly by disappointed ambition, although I do not believe that McCaffrey in his palmiest days could tell the truth for more than ten minutes together.

Now, we come to Deer Island —

The committee, at 12.38 P.M., took a recess until two o'clock P.M., when the argument was resumed.

MR. PROCTOR. — Mr. Chairman and Gentlemen of the Board of Aldermen. This committee entered upon an investigation of alleged abuses and crimes at the institutions on Deer Island, and to that I will now devote a little of my attention. No written charges were ever filed. We were even left more in the dark in respect to that than we were in respect to the Long Island institutions.

The spirit in which that investigation proceeded, it seems to me, may be well characterized by a little episode in the testimony of Mr. Cook, the butcher, at Deer Island. He was asked in respect to an alleged shortage of beef, and the word "shortage" was iterated and reiterated until it would seem as if there might have been some failure to deliver on one occasion some of the meat which was destined for the Deer Island institutions. But upon investigation and question, it turned out that this alleged shortage arose under the following circumstances: The daily amount of beef required for the Deer Island institutions at that time — a year ago last fall — was 1,450 pounds. It was delivered daily on the "Bradlee." On one occasion, by an error of those men who had charge of the delivery, or, to speak more in the vernacular, who had charge of putting off the beef at Deer Island, 300 pounds were not put off. One thousand one hundred and fifty pounds were delivered at Deer Island, and when the "Bradlee" arrived at Long Island,

it was discovered that 300 pounds had not been put off at Deer Island. The boat returned and the 300 pounds were delivered on the same day and within thirty minutes of the time when they should have been delivered. And this, Mr. Chairman and gentlemen, has been alleged as a shortage and as one of the reasons, one of the evidences, why the institutions at Deer Island have been mismanaged.

I ask you, then, Mr. Chairman and gentlemen, to view the evidence to which I shall now call your attention in the light of the spirit which was manifested in the examination of Mr. Cook with respect to what was called a shortage, and which was not a shortage, for more than thirty minutes.

We start in the management of Deer Island with a time when on all hands it is agreed that the institutions were well managed. I refer to the testimony of Mr. Upton, the chief actor save one in the tragedy, or almost a tragedy, which culminated in the Mayor's action in February 1892. Mr. Upton, in his direct examination, when he was first put on, was asked :

Q. You might as well begin by telling the committee the condition of the discipline in the institution from the time the present Superintendent assumed charge of it until you left?

A. Well, sir, the condition of the discipline up to August, 1891, was good, excellent.

That is Mr. Upton's answer and I assume that the other side will admit that they are bound by it. At that time the Board of Commissioners of Public Institutions, as now, consisted of three persons — Dr. Jenks, Dr. Newell, and Mr. Devlin. Dr. Newell, I think all will agree, was animated to a greater or less extent — how much it is for you gentlemen to determine and not for me to state — with a desire to be chairman of the Board of Commissioners. I think we shall all agree to that matter. It is also in evidence by the mouths of many witnesses that it was about the time when Mr. Upton concedes that the discipline was good at Long Island that Dr. Newell went down from time to time frequently, sowing the seeds of discord, really bidding for insubordination among the officers in that institution, finding fault, bolstering up Mr. Upton with the notion that if he chose to assist him, Dr. Newell, or would stand by Dr. Newell, that if Dr. Jenks could be got out of office in some manner, and Mr. Gerish then could be removed, he, Mr. Upton, would stand a good chance to be superintendent. And Upton clutched at the bait quickly enough and proceeded with some of his intimate and familiar friends to carry on a series of acts of insubordination which finally culminated, as you would naturally expect, in a riot for which men were punished in February, 1892.

Mr. Upton said :

Q. Well, there isn't any question but what there was a difference between you and the superintendent?

A. No, sir; not the slightest.

Q. And that about the same time that you began to talk with Dr. Newell, about that time the discipline became bad, and you made an agreement with the superintendent that your troubles shouldn't interfere with the discipline as far as you were concerned?

A. That is right.

That is Mr. Upton's testimony. Now, I do not wish to take up a great deal of time of this committee with the troubles at Deer Island. But we all know that the troubles did culminate with the removal of Dr. Newell, with the removal of his satellites and supporters, Mr. Upton, Mr. Ryerson, Mr. Morrill, Mr. White, a man by the name of Black and a man by the name of Marshall. They were removed by the

Mayor, and Dr. Newell has made that as some cause of complaint of his treatment while he was a Commissioner. But the proof of that is in what has happened since. There has been, Mr. Chairman and gentlemen, no trouble with Deer Island since, with one exception. There was some trouble in August, 1893, or what was known as a riot, from the size and quality of potatoes which were put in the chowder. That was remedied, and from the 5th of February, 1892, until the present time, with that exception, there has been no question about the excellence of the discipline at Deer Island, nor has there been a scrap of evidence put into the case, so far as my memory serves me, which is to the contrary. So, it seems to me, that Mayor Matthew's action has been fully and completely justified by the course of subsequent events. He investigated and found it necessary, in his judgment, for reason, to remove a Commissioner and certain officers. He did so, and the trouble immediately stopped.

Now, when you consider in connection with that that the discipline was good up to August 15; that at that time, according to Upton's testimony, Dr. Newell's visits became frequent and his conversations with the deputy became common; when you consider that he was in the Board and was going down to Deer Island often and was really fermenting this trouble; that the trouble stopped with his discharge or removal from the Board of Commissioners, and that there has been no trouble since, — it seems to me that not only is it a justification of the Mayor's course, but that, over and above that, it is a complete refutation of the charges which have been made here before you and which you are asked to investigate.

Two or three things have been testified to, as I remember it, as having happened since. Let me say one word with respect to the character of that testimony. It seems to me, taking the testimony of Upton, Ryerson, Erskine, Morrill, White, Allen, Brown, Greateon, Stone, Halloran, Twitchell, Knights, Cook, and Fulton — those are the witnesses with respect to Deer Island, that it was only too apparent that those men who testified to what they called abuses testified under an exceedingly strong bias. Officer White testified in words to the effect that he was under a bias against the superintendent, that he did not like him while he was an officer and he liked him no better now.

The character of the evidence is well illustrated, it seems to me, by the testimony of Miss Allen, who has sat here day after day since she delivered her testimony. She said in cross-examination, after having stated how bad the food was, how bad the cooking was, and how bad everything was, that she was discharged for the good of the service — that is what the superintendent told her. And she went so far as to make the remarkable statement that the food of the officers in the House of Industry was actually worse than that of the convicts. With that I was willing to let the cross-examination stop and let it stand on the record in that way. I say, if that is the sort of evidence upon which you are asked to convict anybody it seems to me that it must fall by the wayside.

Now, there has been no part of the evidence that I can remember or to which my attention has been called, relating to drunkenness since the removal of Dr. Newell. Dr. Newell said, you remember, in cross-examination, that he never had a talk with Flanders in which he made any promises to him; but Mr. Flanders, a grocer, who could have no possible interest in making any statement against Dr. Newell, now comes forward and says that Dr. Newell did ask him, Mr. Flanders, to go to Mayor Matthews and state to him that they were not buying the sort of goods which they ought to buy, and Mr. Flanders refused, because he could not with truth do that thing. Dr. Newell now comes before you on the last evening of this investigation and tells you in words that Mr. Flanders committed perjury. Well, that was a remarkable statement.

but it was not the most remarkable statement which Dr. Newell made, because he immediately followed it up by saying that Dr. McCollom also committed perjury in the testimony which he gave here. And if Dr. Newell charges Dr. McCollom with perjury and in the same breath charges Mr. Flanders with perjury, it seems to me that it is pretty satisfactory evidence that both Mr. Flanders and Dr. McCollom were telling the truth.

The state of things at Deer Island no doubt grew steadily worse during the autumn of 1891. How could it be otherwise with the deputy superintendent and the number of men whom you have seen here plotting, and not secretly plotting either—plotting openly and boldly to depose the superintendent? As the Mayor well said in his report, this sort of thing could not be long kept from the prisoners, and no one would be quicker than they to take advantage of any of the conditions that might exist in the management of the institution. But since the removal of Dr. Newell, since the removal of these gentlemen who have testified so glibly before your committee, there has hardly been a breath expressed against the present management of Deer Island. Mrs. Evans has testified that Superintendent Gerrish is a good man for the place, and if her judgment is good for anything you are entitled to it.

Certain matters of complaint which I wish to dispose of have been made against the management of Deer Island. It has been said that bodies of those dying there of the prisoners have been long kept and finally have been buried in trenches. Now, when explained we understand from the evidence that it is this—that they have a suitable and proper receiving-tomb at Deer Island; that because it is a common thing that the friends of deceased convicts should call for their bodies for quite a long period of time after death, they are put in a proper receiving-tomb, such as we all know are common in all large cemeteries—Forest Hills, Mt. Auburn—all large cemeteries have receiving-tombs in which many times the bodies are placed during the winter; that they are kept there sometimes, as Mr. Pillsbury testified, for a period of about six months, and then if no one calls for them, they are buried, and, as I understand his testimony, he says that there is a funeral service for every prisoner. As to the charge that they are buried in trenches, it is merely the use of a word. So far as I can see, any grave that is dug in the ground is a trench, and it doesn't seem to me that it makes the slightest difference whether a prisoner's body be laid away beside that of some one else with an interval of earth left in digging, or an interval of earth laid in after the coffins are placed there. It seems to me that that is over scrupulousness and that I should make no such claim in regard to myself, whatever other people might do.

They say that there was a colored man who jumped out of the window at Long Island, ran toward the Point, ran into the water and was drowned; and it has attempted to be shown here that he was shot while in the water, and that therefore unpunished murder was committed. But when that is explained, or when any one who has no bias states anything in regard to it, it turns out that the fact was this: that this colored man did run toward the Point, did run into the water, and the officer—very naturally supposing that he was an escaping convict—fired the pistol into the air; that the man did get into the water and did get drowned; that the Medical Examiner performed an autopsy upon his body and found not a scratch upon him and decided that the death was caused by drowning. It seems to me that very much is made out of something which might well happen unless there were a high wall around Deer Island.

Then it has been stated that a convict was found dead in the basement in one of the buildings at Deer Island, and the charge has been made that by somebody a crime was committed which resulted in the loss of this man's life. There is no evidence except that at the island one con-

vict, who disappeared as they supposed, was charged with the murder of that man. It is simply a death about which little is known; and it seems to me that it cannot be made the basis for a charge of mismanagement of an institution, -- a purely accidental circumstances which might well happen anywhere. You, I dare say, remember the time that the warden of the State Prison was assaulted and killed, but that was not ever made a basis, so far as I can understand, of any charge of mismanagement. It was something which might happen in the management of desperate men.

Much has been said about the labor of the convicts on Long Island and about their working on the Metropolitan sewer. Dr. Newell made it the basis for many a crime. We find, however, that City Solicitor Bailey, who went upon the stand here, did not by any means say that it was unlawful, -- said that if the convicts went over to Deer Island under an officer, remained under the charge of an officer, and returned to Deer Island under the charge of an officer, he could not say that there was anything illegal. But, more than that, it appears that Corporation Counsel Richardson when asked his opinion saw nothing illegal about it. Moreover, it does appear that Dr. Newell at the time when he was a Commissioner with another one of the Commissioners investigated the very subject of convict labor, and he made a report which has been read to you gentlemen here in which his judgment was that if the convicts worked at the Metropolitan sewer they should be paid a certain proportion of what they earned, that better accounts should be kept in regard to the sums which they did earn. So that Dr. Newell while he was a Commissioner was of the view that no harm could result from it, and there seems to be the evidence of a conversion on his part with respect to those things since his ceasing to be a Commissioner.

Moreover, it is suggested to me that Mr. Upton, under cross-examination at p. 1898, declined to say that he did not tell Mr. Gerrish that he got his orders with respect to the management of the House of Industry from a higher authority, as a reason why he declined to state to Mr. Gerrish the interview which he had with Dr. Newell.

Then they say that we have sold coal and that therefore we have mismanaged the institutions at Deer Island. There is no doubt that as an incident to the management of that island coal has been sold. There is also no doubt that the Corporation Counsel of the city of Boston, who is now a justice of the Superior Court, stated that he saw no objection to it, and in consequence of that sales of coal were made to contractors. Sales of bread and of milk were made under the same understanding and under the same opinion. So far as the claim has been made by Dr. Newell that these goods have been furnished by the superintendent at Deer Island and payment has not been made, it now appears in evidence, uncontradicted, that the superintendent at Deer Island renders his bills to the Commissioners of Public Institutions for that sort of goods every month, that the Commissioners of Institutions do with those bills the same as they do with every other, *i.e.*, they send them to the City Collector, and that three unpaid accounts did stand which had been turned over to the City Solicitor's office for collection.

Further, it is called to my attention that on the 28th day of January, 1892, during the absence of the chairman of the Board, Dr. Jenks, and when Dr. Newell himself was acting as chairman *pro tempore*, it was voted that the superintendent at Deer Island be ordered to furnish coal to the contractors at cost. Dr. Jenks had always succeeded in getting a profit, but Dr. Newell while he was a Commissioner and before he had experienced this change of heart was ready to deliver coal which cost the city of Boston I don't know how much a ton to get down there, to contractors at cost.

Also, a charge has been made that the record books of the receiving officer at Deer Island have not been properly kept. I have seen, in

common with members of this committee, the book kept by the receiving officer Halloran. I do not regard it as a model of legibility, to say the least; but upon the suggestion of the chairman of this committee, and, as I understand it, without any unnecessary delay, a new system was instituted and a new penman found to keep the records. And, as far as I have been able to see, the state of those records now is all that could be wished.

Moreover, they say that the House of Reformation and the Truant School should not be in such close proximity to the institution at Deer Island. To that we agree. Long ago it was understood that that sort of thing ought not to continue. As I understand it there is now a building almost completed, or quite completed, at West Roxbury for the Truant School, and the boys in the House of Reformation are to be removed to Rainsford Island; and when that is done, which will be in the near future, at Deer Island will be taken care of exclusively those persons who are sentenced to the House of Industry. Therefore that cannot be a charge of mismanagement against the commissioners of public institutions.

It was said by Mr. Dudley, secretary of the Civil Service Commission, that the salaries paid were small, and therefore that the men were not all they should be who served in those places. But it will be remembered by you all, Mr. Chairman and gentlemen, that the salaries paid include the whole cost of living with the exception of clothing. That swells each man's salary to a much larger figure.

Moreover he said it was exceedingly difficult to get first-rate men to go down to any island in the harbor any way.

Then there is the evidence of Mr. Watson with respect to the body of one Jones who died at Deer Island, who was said to have died of pneumonia following upon delirium tremens, and whose body was not returned to his relatives for a number of months thereafter. That has been made as a charge, as a basis for a charge of mismanagement, of carelessness and neglect, against the authorities at Deer Island. But the other story about him is this, as will appear from a perusal of the printed evidence: Mr. Watson's cousin, Mr. Jones, who died at Deer Island, was a drinking man and went on a debauch here in Boston, was picked up by the police suffering with delirium tremens, not epileptic insanity, as Mr. Watson seems to wish you to believe, and was sent to Deer Island by Dr. Jelly. Jones' address was given to the authorities at Deer Island Hospital, and by them entered in their books. Pneumonia followed the delirium tremens in Jones' case, as it often does in cases of that kind, and he died. Immediately upon his death Dr. Roche sent a notification of that fact to the address given. No response was received, so the body was placed in the receiving-tomb, and it was there when Mr. Watson called for it. The envelope which contained the cards and letters which Mr. Watson claims was not pried into by the officials at Deer Island when Jones came there, but was sealed up, marked, and locked up in the safe, and never opened until called for by Jones' relatives. What occasion was there for the Deer Island officials to tear open that envelope and examine its contents? The man's name and the address of his friends were given them. There was no question as to his identity and no occasion for any investigation. Mr. Watson knows that Dr. Roche sent notice of Jones' death, because he saw and read a copy of the letter which Dr. Roche sent. Dr. Jelly said the man had delirium tremens, he says so to-day, he has said so in his testimony, and he has never changed it. It happened that the address which Dr. Roche got and to which Dr. Roche sent the letter was not the address of the friends of Mr. Jones, and so his body was not delivered at once. There was a mistake about it, but I am unable to see how that can properly and suitably be made a basis of a charge of mismanagement of these institutions.

I wish to call your attention before I leave the subject of Deer Island to some of the misstatements made by Dr. Newell in his testimony. He stated, for example, that two privy vaults were all that the inmates had to use at Long Island. The fact was, and was developed on cross-examination of Dr. Newell, that at that very time more than twenty water-closets existed in the institution and were in constant use by the inmates, and the privy vaults to which he referred, were a couple of privies which were used in the fields for the men when they were at work.

He said Superintendent Galvin had an opportunity to purchase a large number of trees at a very low price, but was prevented from so doing by Dr. Jenks. That is not true. The trees were purchased. You will recollect also that when the doctor first referred to it he said 30,000 trees were offered at a fair price; later on he said 10,000 trees were offered for \$30. But the trees are down at Long Island, and Dr. Newell's statement was incorrect.

He said in his direct examination that many, many people died in the Room at 14 Beacon street, and a reference to his testimony will show it. He said that many people, because of the lack of care up at 14 Beacon street, died while waiting to be carried to the boat, that it was a common occurrence, and a reference to his testimony reveals that fact. No explanation was made of that until in cross-examination Dr. Newell admitted that there was one person, and one only, who died after he had been brought from the hospital to 14 Beacon street and was waiting for the carriage to take him down to the wharf. An instance of as reckless a statement with as little foundation as I think I have ever had the pleasure or the honor of listening to!

Dr. Newell tells you what is not true when he says that a steam drum to destroy vermin was purchased for Long Island, but that none was provided for Rainsford Island. I put in evidence the other day a bid and an order for two steam drums, one for Long and one for Rainsford Island, and they were purchased and furnished at the same time.

Another misstatement by Dr. Newell is that \$40,000 of the annual appropriation for these public institutions was turned back into the sinking fund because Dr. Jenks managed the institutions so closely that he got along without the use of that \$40,000. But when we get at the facts it appears that the construction of an additional wing during the year 1891-92 for the Long Island hospital was authorized by the City Council and that the Commissioners saved \$35,000 of the appropriation for their institutions during that year, and that \$35,000 was applied to the erection and completion of the new wing.

Dr. Newell also says that all the business of the Board of Commissioners was done by the chairman, but the records do not bear him out, and of course Dr. Newell is then forced to the position of saying that the records are not correct. But General Donohoe says that the records as written in the book are the records which the Commissioners approve. Now, it does not appear from these records that Dr. Newell ever raised his voice from the time he entered upon his service as a Commissioner until he left it to object to the records in the form in which they were read or that he asked to be put on record as disapproving the minutes of a previous meeting. It is not in Dr. Newell's mouth to say that those records are not accurate when that state of things exists.

Now, the records are made by General Donohoe. I do not need to enter into any panegyric of him. We all know that he is an honest man and that his records are honest records; but according to his records the statement which Dr. Newell made—that he took no part in the management of the Commission is shown to be utterly unreliable, because the very records read show that the things which he had to do were many and varied, that he was put on many committees, that many things were referred to him—and, strange to say, many of the things which were referred to him for investigation and report he never reported upon.

Let me read to you for a moment a few of the things to which we called his attention when he was on the stand. On the 3d day of June, very soon after he entered upon his incumbency of the office, he and Commissioner Devlin were appointed to draft rules for the guidance of the Board, and they made a report which was entered upon the records. On the 5th day of July, 1891, Mr. Brown's salary was referred to Dr. Newell. The question of athletic sports, as to whether they should have a ball game down at Long Island, was referred to Dr. Newell and Commissioner Devlin July 14, 1891. The application of Mr. McGarrigle, at the House of Correction, for an increase of his salary was referred to Dr. Newell on the 17th of August, 1891, and the very next day a communication in regard to trained nurses was, by the record, referred to Dr. Newell. On the 21st day of August a request for an additional horse at Long Island was referred to Dr. Newell. The whole question of trained nurses was again referred to him on the 24th of that same month. On the 14th of September the matter of additional nurses and watchmen was referred to him. On the 17th of October, 1891, James White's case was referred to him and Commissioner Devlin. The matter of Mr. Morrill's discharge was referred to the chairman and Dr. Newell on Oct. 27, 1891. On the 11th day of November a communication from Mr. Galvin, in regard to the detail of prisoners at Long Island, was referred to him. On the 13th of November, the matter of furnishing convict labor to the contractors at Deer Island was referred to him and Commissioner Devlin. On the 16th of November it was voted that Dr. Newell employ a messenger, and on the 18th, upon his recommendation, a messenger was employed. On the 14th of January a complaint of an inmate in the House of Correction was referred to him. On the 9th of January, 1892, a complaint against Miss Baker was referred to him and Commissioner Devlin. Moreover, Dr. Newell was acting chairman of the Board of Commissioners from July 28, to July 30, from January 19, to January 30.

So you see that Dr. Newell's statements with respect to the part he took in regard to the management of the Board cannot stand. Dr. Newell did take part in the management of things. He admitted in cross-examination that on many occasions when he did not agree with the chairman of the Board he did not seek to have it put to vote, he did not seek to have anything entered upon the records, he did not seek to do anything except — if he is to be believed — to let the matter slide; and he now comes forward and says, after he has been removed for cause, that he shall be believed when he makes that strange statement.

Something was said — in fact a great deal was said — in regard to the punishment at Deer Island by stringing up. There never was any punishment at Deer Island by stringing up except on that one occasion — the direct result of the conspiracy between Dr. Newell and his friends and admirers. Moreover, I offered the other day the rules and regulations for the government of the Houses of Industry and Reformation adopted by the Board of Directors — and of course the Commissioners inherit all their rights and powers — and approved by the City Council. And this is one of the rules for the superintendent:

He shall enforce obedience on the part of the inmates to the rules prescribed for them and shall see that those able to perform labor are constantly employed. He shall have power to punish all wilful infractions of the rules, but shall communicate the facts in relation thereto to the Board on the next daily report.

And at the time these people were punished the Commissioners were daily on the island.

Now, with respect to the House of Correction. We all agree that the buildings at the House of Correction are unsuitable. Everybody has

agreed to that for more than a quarter of a century. I would like to call your attention to the report of the master of the House of Correction made to the Directors of Public Institutions in their first annual report, which I offered in evidence :

For some years past there have been but few improvements at this institution owing to the constant agitation of the question of its removal.

And again :

The undersigned feels further called upon in pursuance of his duty to call the attention of the Board of Directors to sundry matters of grave importance which, in his judgment, demand prompt and energetic attention. In the present state of the accommodations in the male department of this prison, the prisoners cannot be either safely, properly, or legally cared for.

That was in the report of 1858, and the buildings are just as unsuitable to-day as they were then.

So there is no need of our wasting time on that part of the case. We agree that we should have a better House of Correction.

It is claimed—and I wish to dispose of these which I consider smaller things first—that there is a lack of a letter-box. That is true. The statute provides for a letter-box and there is no letter-box. At the same time the custom has long obtained at the House of Correction that whenever a prisoner wishes to write to the Commissioners or the Mayor he is always allowed to do so; and no convict who has testified at the House of Correction has lifted up his voice during the progress of this whole investigation to say that he was ever denied that right. So while it is a violation of the law it is a technical violation of the law, and nothing else.

Then the claim is made that the vermin are destroyed in the same ovens in which the bread is baked. That is true. They are put into a bag and heated, and the bread is afterwards baked there, although counsel once or twice has claimed that the operation went on simultaneously. I see no reason myself why there should not be a drum for the destruction of those things which stalk at noonday as well as walk at midnight. But it seems to me that it is not an especially substantial charge of mismanagement. It is an error of detail, and as such it ought to be remedied, and I have no doubt it will be.

But the main charge that is made is that of insanity, cruelty, and drunkenness. As to insanity in the House of Correction, an attempt has been made to claim that because in a given year there were more insane at the House of Correction than ever before, that therefore it depended upon and was consequent upon bad treatment. That we deny. It appears that in 1886, under the old Board of Directors, the average number of prisoners was 470 and the number of persons committed to lunatic hospitals was 13; in 1887 the average number was 484 and the number committed to lunatic hospitals was eighteen—a jump of five in one year; that in 1888, with 533 as the average number of prisoners, the number of those insane committed to hospitals fell to 12; in 1889 the average number of prisoners was 545, and the number transferred to lunatic hospitals, 6—a falling off of fifty per cent. from the previous year, with a slight increase in the number of inmates. In 1890, with a still smaller average number, 495, the number committed to lunatic hospitals was 8. In 1891 the average number of inmates was 538, and the number committed to lunatic hospitals was 7. In 1892 the average number was 582 and the number transferred to lunatic hospitals was 14. In 1893 the average number was 604, and the number committed to lunatic hospitals was 19. And the 19 are the basis of a charge of

mismanagement. But in 1887, with 484 as the average number as against 604 in 1893, the number of prisoners committed to the lunatic hospital was 18 as against 19 committed in 1893 — only one less.

Now, when we supplement that with the evidence of Dr. Jelly which has not been contradicted — that there were sixty-one more commitments by the Court in Boston during the year 1893 than there were in the year preceding we see that the large number at the House of Correction is well accounted for. And when we find that in the year 1894, the number is still less than it was in the year 1893, and that it is so at the House of Correction, as well as elsewhere, we see, then, that this charge is unfounded; that it so happens that nineteen men were committed in 1893, but it was not as the result of mismanagement, not as the result of cruelty or bad treatment, but was an accident.

The charge is made that solitary imprisonment results in insanity. That charge we deny. It has been stated here by Dr. Richardson that solitary imprisonment long enough continued and with improper food might — and we all know that, we need no expert to tell us that, — result in injury to the prisoner. But you will all remember that the solitary cells which are charged with being small, poorly ventilated, and everything of that sort, are the solitary cells which are provided by law for punishment, and that the statutes of the Commonwealth provide that when the master of the House of Correction punishes convicts he is to punish them by solitary imprisonment and by feeding them on bread and water. He has no option. He must punish them in the solitary cells that are provided for them, and he must punish them by solitary imprisonment, because the statutes say so, and if the cells are such — which I do not believe — as to bring about this result it is a misfortune which should immediately be remedied. But I am unable to see how it can be laid at the door of the master.

Moreover, Dr. Jelly, the greatest authority, I think, in Boston, as will be conceded on all hands, says that in his opinion — and this is all matter of opinion — the solitary imprisonment, the cells, etc., at the House of Correction have not been the cause of any insanity. Dr. Bancroft, who has been testified to by everybody, as far as I remember, as being a competent, skilful man, says that it has never caused a case of insanity; that he every day raps on the cell to find out if a man in solitary imprisonment desires to see him, and if he does he does see him.

Much has been said, and I dare say much may be said, that men have been in prison who afterwards were discovered to be insane and concerning whom the report has been that they were probably insane at the time they were incarcerated, and hence that, when they were punished, they were punished while insane. Dr. Jelly and Dr. Bancroft dispose of that. It is not an easy matter to tell whether a man is insane. All that anybody can be held to do is to exercise due diligence considering the importance of the matter. No man wishes to consign a person to an insane asylum unless it is certain that the person is insane. Therefore the action of Dr. Jelly and Dr. Bancroft is not one which can be criticised, and it is only afterwards that we can determine that the man at the time he was punished he was insane. For example, you meet a man whom you have known for years on the street. It is raining very hard. He says to you, "How bright the sun is!" You go away. You don't see him for a year. At that time you see him in a lunatic asylum. Then your mind turns back and you say that "he was probably insane when he made that statement to me. But if you had seen him about his usual avocations you never would have made that criticism — you would have said he was absent-minded.

So I say, that all this complaint about insanity at the House of Correction is in regard to a matter that has been confided to the doctors, and competent men have been employed, and upon their judgment the master of the House of Correction must always rely.

They say that we have drunken officers at the House of Correction. There is no evidence of that, excepting, as I remember it, the evidence of one or two convicts. Some of the convicts have said that the officers were drunk. The officers who were charged with drunkenness have testified. You have heard the testimony of Officer Fallon. Officer Fallon testified to this committee yesterday that he never drank intoxicating liquor or was under its influence while on duty, nor did he ever drink intoxicating liquor while he was about to go on duty. The man who charged him with it was a man by the name of Dolan. We asked what sort of a man Dolan was, and it turned out that he was one of the most troublesome men in the institution, confined there for the commission of crime. I do not believe this committee will believe that Officer Fallon, who looked to me like an honest, manly fellow, was lying, and that Dolan was telling the truth.

In regard to Officer Curley, I don't believe this committee will take much stock in the stories that were told about Curley.

It was said that Mr. Witham, the deputy, was drunk on the 4th of July. Witham has testified. Witham has said that such was not the fact, and the only source of information in regard to Witham comes from those who are confined there for the commission of crime; and while that does not disqualify them from testifying, and their testimony is entitled to what weight it ought to have, it seems to me that they have utterly failed to prove that charge and that you ought to say that Mr. Witham is exonerated from it.

Then they say that they are cruel at the House of Correction. They say that Officer Young shot a man. You have heard all the evidence. You have heard the evidence of Officer Young, you have heard the evidence of the man who was shot, and you have heard a great deal of evidence in respect to that shooting and how it was caused. Officer Young says that he fired the shot, as he then thought, to preserve his own life. That is all that can be made out of that story. The man who was shot had made a lunge at Officer Young and was in the act then, or just before, of getting a tailor's goose with which to strike him. Officer Young was obliged to act upon the spur of the moment, and he used his best judgment and the man was shot. The man has recovered. It has seemed to me that Officer Young was a good and efficient officer and that the charge that Flaherty, a convict, made against him was unfounded.

Much has been said also about the deputy's wrench. It has been said that it was "7 feet long;" that, I take it, was an unintentional misstatement. As a matter of fact, it was 7 inches long. It was carried in the deputy's pocket and he said that when he was assaulted he used that to defend himself, not necessarily because he was afraid but because discipline must be maintained, and it seems to me that the deputy master of the House of Correction is bound to defend himself or else the discipline at the House of Correction would not be worth anything.

I would like to say one thing with respect to the evidence of the convicts at the House of Correction. One sentence was uttered there which I desire to refer to. A convict by the name of Merrill came into the room and testified—in response, I think, to the question of some Alderman—that if a man behaved at the House of Correction he had no trouble, and the remark was made by counsel for the prosecution: "What evil genius sent you here? I didn't send for you, and I don't want you." It seemed to me that that was not a fair spirit in which to investigate a great public institution.

Something has been said with respect to classification at the House of Correction, but it is exceedingly evident that any scheme for classification, if we had one, and a good one, must be postponed until the time when we have a decent House of Correction; that when that is done, the Commissioners of Public Institutions may be held up to it, may be held up to whatever the law says with respect to that, but until then they ought not to be.

Lack of time, Mr. Chairman and gentlemen, and the desire to have this investigation closed, led us to agree and urge that a time might be set for its conclusion, even though we were not able to put on all our witnesses. I should have been glad to have put before you the witnesses whom we are ready to call, but it seemed important that this affair should be wound up this year. We put on Mr. Pilsbury, one of the Commissioners, last Saturday, and he was cross-examined the entire day, and of course we had no opportunity to put on any other witness. I do not criticise that, because there was much which might properly be asked. At the same time it is not improper for me to say that if his cross-examination had been shorter other witnesses would have been called.

It has been said in general that the food in the institutions is bad. I would like to refer you to the report of the special committee and the reports of the prison inspectors since this Board of Commissioners have been in office. There is no complaint, so far as the inspectors of prisons are concerned, and they have visited twice a year. The report of the special committee does not complain of the bad quality of the food, but they do complain sometimes that they get better food than they deserve. It has been put in evidence that it is the standing order to the superintendents that if anything is furnished which is not good it shall be returned. And every person who furnishes goods to the institutions understands that is the condition under which the goods are sold.

The report of the Board of Visitors says "that a model hospital, so far as the building is concerned, already exists on Long Island." We do not need to waste our time on that any longer. They say there has been no recent complaint of the shortage of milk. The physicians order and receive all the drugs they think necessary. Rules and regulations are hung up about the hospital and institution. A new wooden trough has been substituted for the sink in which it was formerly the custom to mix puddings and soak beans. The burial ground has been graded, and the graves laid in neat mounds. The lack of proper ventilation in the infirmary and nursery wards will soon be remedied. In fact, plans for the introduction of ventilating shafts had been prepared by the City Architect before the matter was mentioned in the Visitors' Report, and adequate facilities for extinguishing fire have lately been provided. Something has been said with respect to rocking-chairs, which were given to the Commissioners of Public Institutions and which were not received. Let me say in respect to that, that the Corporation Counsel was consulted, and decided that the Board of Commissioners, as such, had no right to receive gifts. That if anybody connected with the great city of Boston was to receive gifts, it was the city of Boston, *i.e.*, the City Council.

It has been stated in the same connection that, if that were so, how was it that the summer hospital could be used at Rainsford Island? But that was something which the Commissioners had to give, and they took their chances and gave it, it seems to me, with the best of results, and the two things are not on all-fours by any means.

We have been charged with abuses and crimes. We deny them. We say that there have not been abuses and crimes in the proper sense of the term. We say that it has been an abuse of the English language to say that there were abuses and crimes in the public institutions; that in one instance, at least, the other side of this case desired to have privileges now granted cut off — that that is not an abuse, a crime,

We say to you that as much money has been appropriated for the public institutions of Boston in the last three years as during the past 40 years, and that the records which we have put in and the reports will show it.

The Commissioners have been charged with economy and frugality, and we say that we are guilty. We say that we have expended during

the five years of the existence of the Commission six million dollars of the city's money, and that during all this protracted hearing it has not been charged that one penny has gone astray.

We say that we have a competent Commission, that they are good men and men attentive to their duties, and therefore busy men. We want to read to you what they have done. At the risk of wearying you let me recount the things which have been done by this Commission.

When the paid Commission assumed control of the department in 1889, the old institution building on Rainsford Island was entirely without plumbing of any sort. The old small-pox hospital was in use as the institution hospital. On Long Island the only institution building was the three-story brick building now used as a dormitory and infirmary. Neither island had any water-supply. The insane were all at South Boston, and Austin Farm was a poor-house. To-day the institution building on Rainsford Island is plumbed throughout. A new hospital has been built on Long Island; the two wings already completed contain 176 beds, and a third wing, to contain 114 beds, is in process of erection and substantially completed. An electric lighting plant has been furnished to light the institution building and the hospital, and the ventilating fans in the hospital are run by electric motors. A new barn, 50 by 83 feet, has been added to the old barn, which was rebuilt. Both Long and Rainsford Islands have been supplied with Cochituate water, and a large new dormitory for women, capable of accommodating 320 persons, is nearly completed on the north-east side of Long Island. A reservoir, to hold 2,000,000 gallons, is nearly finished.

At Austin Farm a new lunatic hospital has been established, and many of the insane have been moved there from South Boston. Of the new buildings at Austin Farm there are the combination dining-room and chapel. The dining-hall and chapel has a seating capacity of 400, and can seat at table 200 persons. Two new dormitory buildings two stories in height with high basement have been erected also with accommodation for fifty patients in each building. These two have been occupied recently, the third dormitory having been occupied more than a year. A new boiler-house and laundry complete the plans at Austin Farm. Two dormitories for the insane have been erected at Pierce Farm on the high ground facing Walk Hill street. They are two stories in height with basement, having a frontage of 250 feet, a middle wing 140 feet deep, and two end wings seventy-five feet deep. One of these dormitories is intended for men and one for women. The domestic building and heating plant are in the rear between the dormitories. The administration building is to be between the dormitories and in front of the domestic building. Each dormitory will give accommodation to eighty-four patients, mainly in single rooms. The new buildings for the parental school in West Roxbury, consisting of a dormitory and boiler, engine, and laundry building, the main building, with a projection in the rear, and the 376 new cells at Deer Island, complete the list of new buildings erected for the public institutions by the present Commission.

The cost of these permanent improvements made during these last five years is \$1,137,500. The entire amount of money spent for permanent improvements in the public institutions by the Directors for Public Institutions during the forty-seven years from 1852 down to 1889 was only \$1,499,521.20.

We say that the institutions have been conducted with frugality and economy as they should be. The report of 1888, the last year of the Board of Directors, shows that the average number in the institutions during that year was 3,387, that the actual amount of expenditure, deducting the income and the amount paid the State, which were fixed

charges, was \$491,005.82, and that the cost of maintenance was \$2.78 a week per head; that in 1893, with 3,582 persons as the number taken care of, the amount expended was \$441,334.26, and that the cost per week per inmate was \$2.38—that is, on the basis of the number of people who were taken care of in 1888 there has been a saving to the city of Boston of \$75,000.

We say that it is a very complicated thing to manage a commission of this sort. It is not always possible to get the things that you ask for. I want to call your attention, as an illustration, to something in the report of the special committee of 1892, where with respect to Austin Farm the select committee recommended one plan involving \$303,000 and another plan involving \$365,000. The latter plan was indorsed by the Mayor. The finance committee of the City Council did nothing with that recommendation, but at the Mayor's suggestion the Commissioners of Public Institutions and the committee agreed upon a modified plan which would cost \$287,000, and the City Council voted \$127,000. So when the Commission are charged with not having done the things that they ought to do, and not having furnished the modern appliances for doing the things which ought to be done, it must be considered that the City Council is a factor, and if where a thing should cost \$365,000 only \$127,000 is granted it is easy to see that the best progress cannot be made.

Mr. Chairman and Gentlemen, I have occupied a great deal of your time. I am obliged to you for the kind attention with which you have listened to my rambling talk. It seems to me that the charges which have been made have not been sustained. You can peck at anything, you can find mistakes, you can find small matters which might well be changed and remedied in any human institutions, and especially, Mr. Chairman and Gentlemen, in any of the institutions which have to do with the weakest, frailest, and most degraded of the people in our body politic.

We say to you that in the main these charges have failed, that they have not been sustained by competent and trustworthy evidence; that if the people who have come here to testify to facts and not theories are to be taken as truthful, and the things to which they have testified to be taken as facts, they must first be stripped of their venom, their prejudice, and their bias, which some of them agree that they have, and the rest of them very plainly indicate that they have.

We ask you, Mr. Chairman and Gentlemen, to report that the institutions of Boston are not mismanaged, We ask you to report that there is not a failure of system.

Who has suggested a different one? We have been listening to evidence now since the 15th of March, and the most that has been said with respect to a change of system has come from the mouth of Mr. Pilsbury, who says that the classification at Long Island that can be done has been done. We say it cannot be done at the House of Correction until we have a new one. We say that the institution at Deer Island is well run, and that with the changes which are soon to be made there can be no cause of complaint.

And we ask you to report that these charges have failed and have not been sustained.

The committee at 3.33 o'clock P.M. took a recess for thirty minutes, and re-assembled at 4.06 o'clock P.M.

The CHAIRMAN.—The committee will please come to order. The Chair desires to say that, owing to arrangements heretofore made, the committee having heard the other side and having given the other side three hours in which to present their argument, is now ready to give the prosecution, so called, three hours in which to present their argu-

ment; and the counsel for the prosecution can make such arrangements among themselves in regard to the division of that time as they see fit.

MR. BRANDEIS. — Mr. Chairman and Gentlemen, as you know, I appear here solely on behalf of those who desire to call attention to matters relating to Long Island, and I shall of course confine my argument to that. I understand that Mr. Riley will address his argument to Deer Island and the House of Correction, as to which I have nothing whatever to say, and in regard to which perhaps I know far less than any one here. I was not present at any one of the hearings and have taken no part whatever in that matter.

MR. RILEY. — I do not desire to curtail you, Mr. Brandeis. If the committee has any desire to shut me off it may do so, but if it wants me to argue this case I am ready.

MR. BRANDEIS. — I think there will be ample time—at least considerable time left after I have closed, Mr. Chairman.

THE CHAIRMAN. You may proceed, Mr. Brandeis.

CLOSING ARGUMENT BY LOUIS D. BRANDEIS, ESQ.

MR. Chairman and Gentlemen: With rare patience your Board has devoted to the consideration of the condition of the Home for Paupers at Long Island thirty hearings. The investigation has been unusually long. It has been exceedingly laborious. It has been expensive. But I believe, Mr. Chairman, that no member of your Board, no good citizen of Boston, will regret the time, the labor, or the expense, because these long hearings have caused men to think of the problems presented by the many unfortunates who, though a part—perhaps a product—of our civilization, are huddled together on the islands in our harbor and are ordinarily as remote from our thoughts as the islands themselves, the names of which even many of the citizens of Boston are absolutely ignorant.

This investigation has caused men to think of those problems, and I believe that it has caused all men who do think and who have thought to come to one result. Certainly the Commissioners themselves, or the witnesses who have been introduced in behalf of the Commission have come to the same results for which we have contended, and we come now, at the end of more than nine months, to this fortunate conclusion. Everything that we deem to be of importance is admitted either by the Commissioners or by the witnesses upon whom they have mainly relied, or by both.

Counsel have here and there made suggestions with which we cannot agree; but, so far as the testimony has gone in on the points which we deem to be material, we are of one accord—that errors do exist in the management of Long Island, that these errors consist largely in the fact that the policy of that management has not been directed to the prevention and cure of pauperism, but merely to its care; and that these errors are fundamental I think I have understood that the Commissioners, the witnesses for them, and we ourselves are fully agreed. That, and that only, we deem to be important in this investigation. Because if those truths are recognized, the question of remedying the defect is one of method merely, and with thought and experience given to it we may be sure that the errors will be corrected.

I need not repeat to you, gentlemen, that we are here to criticise, so far as we have criticised, not men but conditions. Nothing, I believe, which has been presented by us has been directed to the criticism of a single individual. That you, Mr. Chairman and gentlemen, have recognized that fact, I take to be certain from the few remarks which Alderman Hall addressed to all here when you notified us that you had concluded to terminate this investigation. He—and I assume that he spoke on behalf of the Board—distinctly recognized the position which we

have taken throughout — that of endeavoring to improve the management, to improve a system which confessedly needs improvement, and not to criticise any individual.

So far as the evidence and the arguments which we have introduced have necessarily called attention to defects, and in that way might indirectly seem to criticise some individual, it has been presented with regret by us. We should have preferred to say naught but good, because there is so much good that we can say of the Commissioners.

I believe that every good citizen of Boston will be proud of the fact, that, in spite of an investigation covering a period of over nine months, in which matters of detail and matters in all directions have been gone into, there has not been the slightest suggestion on behalf of any one that the Commission has not administered and has not expended the millions of dollars which have gone into its hands with the utmost honesty, the most scrupulous integrity which we could ask from any man.

And I say, gentlemen, that in view of the fact that in other cities the subject of corruption is one constantly coming before the public, this investigation should not close without the strongest endorsement of the manner in which the finances have been administered, the absolute honesty and integrity of the men who have expended those millions.

And not only have they been honestly expended, but there has been a constant striving on the part of the Commission towards economy. In view of the fact that the general charge is abroad — and with reason in many places — that men entrusted with the expenditure of public money are recklessly extravagant, that desire on the part of the Commissioners cannot be commended too highly.

We do not agree with them in many respects in their views of economy. We believe that many things would have been economical which they did not do, and that many things which they did, and which had the appearance of being economical, were in fact not so; but that there has been an attempt on the part of the Commissioners to be economical, that they have honestly striven to save the money of the taxpayers, I deem to be a subject for which they deserve the highest commendation and for which I believe you should give it to them. Their mistakes — and men are liable to make mistakes in any direction — are errors which they have made, so far as economy goes, in judgment, but not in intent; and I have no doubt that in a great measure, in a very great measure, their efforts in the line of economy have been conducive to the best results in those particular directions.

I think, too, Mr. Chairman, that we should commend the evident attention which has been given by the Commissioners to their duty, and in particular to the chairman — a man advanced in years, but who appears to have devoted his attention to his duties without any regard for personal convenience, and certainly with a perfect absence of that care for himself which men are very apt to find in public officials.

I say that in all of these things the Commissioners are greatly to be commended and that we may feel proud of all of them. And, so far as concerns the one Commissioner who has appeared before you — Mr. Pillsbury, — I want to say that I feel proud also of him, of the way in which he came before you here, the manful way in which he testified, in which he answered every question which was put to him without any attempt to qualify, without any attempt to excuse. He answered, I believe, with fairness, with absolute truthfulness, and he answered admitting every shortcoming of the past and present which the question called for. And upon that testimony of Mr. Pillsbury — because it brought out nearly every fact that is important from our standpoint — I think, Mr. Chairman and gentlemen, you are to consider largely the case. What other witnesses have said is supplementary to that. That on which other witnesses have differed is of little significance. Those

differences are all in matters of detail, and the questions you have to consider, Mr. Chairman, are questions of human lives — not questions of detail as to whether this was there or that was there, or the date when it was acquired by the Institution.

So far as the criticisms relate to matters of detail — the criticisms of the last five years — they have almost all been remedied. So far as they could be specifically pointed out, whether it was by Mrs. Lincoln or by the special committee appointed by Mayor Matthews, or by the Board of Visitors, or in this testimony, correction has been largely made, whether it was made as soon as it should have been made is a matter of ancient history. It has been made, a great many things have been done — were done before this investigation began. A great many of those things to which attention was called in the letters to the papers, a great many of the things to which the special committee called the attention of the public had been corrected, and a great many more have been corrected since this hearing began.

Some of those things that were corrected were trifling. Some of them were of grave importance. The question of a proper system of fire appliances, of a proper supply of water, of proper nursing — most of which have been corrected before this time — and the innumerable little things, sixteen or sixty, as it were, which have been testified to as having been corrected, small in themselves, aggregate a great deal. But, as much as they aggregate, they are as nothing compared with the things to which we have intended mainly to point your attention and as to which I understand there is not a particle of difference between us.

In referring to these various short-comings, in answer to the questions which I put to Commissioner Pilsbury, the first matter which was brought up was a knowledge of the men and of the women whom misfortune carries to Long Island. You have to deal with human beings and you cannot deal with human beings without knowing about them. You cannot above all deal with abnormal human beings without knowing about them, and the people who fill the Pauper Home are abnormal. Otherwise they would not be there. We may deal to a certain extent with the rest of mankind on general principles. We know the average man and the average woman. But the inmates of Long Island are not average people. They are the abnormal and they must be studied. They must be studied individually and by that individual study you must find out what you can about them.

Now, Mr. Chairman and gentlemen, what have we found out in the past? Mr. Pilsbury has told us it is the duty of the settlement clerk, Mr. Gilman, to ascertain whether an applicant for Long Island is entitled to go there, and the question whether he is entitled to go there is whether he has a settlement in the city of Boston. That investigation is made by Mr. Gilman with as great thoroughness as it is possible for him to make it. Everything that has been said about Mr. Gilman's work has been commendatory. But to confine the investigation to the simple question of whether a man is entitled to enter, and particularly when you confine that investigation to those answers which he may give to you in reply to your question, and such information as you may be able to pick up, is not knowledge which will enable you to deal with any one. It is as much knowledge, gentlemen, as one would have of any of you by being told that you were citizens of Boston. We may assume that, but the question of how to deal with a man will depend largely upon his past, upon his own experiences, upon his conduct, and upon his capacities.

If you desired to ascertain that in regard to any human being you would not rely wholly upon his own statement. You would try to find out from others. And particularly is it to be desired that you should not do it with these people who are applicants for Long Island, because they are people not likely — preëminently so — to answer an official truthfully,

and if they desire to answer truthfully they would often not be able to should answer intelligently.

I say, therefore, it is absolutely essential to a proper consideration of the question of dealing with paupers, of dealing with the inmates, or with those who are to become the inmates of this institution, that you should know about them what you can.

Now, you can find out much in regard to each one of these people. Unfortunately a large portion of them have had some experience in some other institution, experience in being helped by private or public charity in some form. The means exist for getting all this information. The charitable societies of Boston coöperate. You can find out through them, and what you cannot find out through them should be found out through an individual visitor. Mr. Gilman has already in his office, in pursuance of the suggestion of the Special Committee of 1892, a visitor who, with reference to the Marcella-Street Home, as you will remember, saved the city thousands of dollars by inquiries which he made, which resulted in the return of over fifty children from the institution to those who ought to support them. An amplification of that course would prove, in regard to Long Island, in regard to the Pauper Home, a similar economy. It would save the city, I believe, many dollars; but, whether it saved many dollars directly or not, it would save the waste of many thousands of dollars which are now expended at the Home for Paupers in maintaining paupers there, sending them out no better, and, in many instances, worse, than when they went in.

I say, therefore, first and above all you must have the means of knowledge. To deal with human beings you must know about them.

And after you have that means of knowledge, after you have the knowledge that others can give, what next? When you know you must proceed to classify. Why? Because those more than a thousand human beings who are gathered together in these pauper institutions are not alike. They are less alike than any thousand human beings that you may take from the community at large. They are more in danger of moral contagion, they are more in need of your help and support.

You are to protect those who have something good in them from those who are preëminently bad, and you are to attempt to make better those who appear to be bad. And that can be done, and can be done only, by careful study of the individual and a separation one from another of those individuals who would have an evil influence one upon the other, and the bringing together of those who would have good influence one upon the other. And I believe it may be taken as true that among the thousand or more inmates of these institutions there are many who would be helpful to one another as there are many who would be harmful.

Now, they ask, How shall that be done? What rule of classification shall you lay down? You will lay down that rule which I have endeavored to express. You must study the individuals and make your classification accordingly, and if you go forward with the idea that they are to be classified, a way of classifying them will be found as surely as the Secretary of the Treasury found the way of resuming. The way to resume was to resume, and when the country had once set its mind upon the resumption of specie payment the work was practically done.

So it will be here, and when the suggestions were made here in regard to the lack of classification the complaints were not that they were not classified but that there was no attempt at classification. As soon as you start with an attempt, as soon as you get your mind on that, or the person who has charge of them gets his mind on that and recognizes that as the one supreme end to which he will work, he will find out how that can be done as clearly as Mr. Roberts found it out when he was running his little institution of 125 inmates.

No human being can lay down a rule as to how others shall classify people who differ in their moral and mental characteristics, and who resemble one another only in being weak and in being unfortunate. But certain things can be said in the way of classification, and certain things can be done in the way of classification, in respect to which one may be sure that you will not be confronted by an opposing experience. In that institution building, the brick building at Long Island — a building improperly constructed, as Mr. Tudor tells, us in regard to ventilation, bad in many respects — there are some things which could aid at all events in classification. There are three stories at least and those three stories have some subdivision. There are, as I remember it, at least, two rooms, sometimes three, occupied by the able-bodied men, and two I believe occupied by the men's infirmary. Now, if you went no farther than that you would have a basis for some such classification as Mr. Roberts told us about. The new men, he says, are not at once put in with the old. They pass, as it were, through a period of probation. That period may be a short time — perhaps over night — until he may find out about them. It may be longer. When he finds that the men who come in will help in raising those who are there, or that some of those who are there will help and not mar his work, then he brings them in with the others. As long as you have the slightest possibility of a separation you have that. You have rooms, and you can bring them together or separate them, and this question of the difficulties of separation is not nearly so great so far as concerns those people as you might imagine. You are not dealing down there with dangerous criminals; you are not dealing down there with men whom you must watch each moment and from whom violence is to be apprehended. You are dealing with people who are the city's charges mainly because they are weak, because they have not that strength of character or strength of body which the more fortunate members of the community possess. Consequently they are very susceptible to influences. Those influences must be kindly. They must feel that when they are being treated, it is to help them; that the rules, if they are severe, are for their benefit. But when you take those people in hand and try to benefit them, and when you try to help on the man who is good, and to protect him from what is bad, they will respond to that, as every individual responds to an effort to aid him. That is the fact which you have to consider, and the one hopeful fact in an attempt to improve these people.

If there were nothing more than an imaginary line between different classes of inmates of these different institutions, if the men who behave better and are better were told that they were to occupy a particular part of the building, and that they were to have that distinction, you would see even among those poor people a striving to be among the best. It makes no difference in life what the aim is, — if you attempt to awaken ambition, be it of a trivial or be of a higher nature, you will see that there is hardly a human being who will not respond to it. Men are not bad and men are not degraded because they desire to be so. They are degraded largely through circumstance, and it is the duty of every man — and the main duty of those who are dealing with these unfortunates — to help them up and to let them feel in one way or another that there is some hope for them in this life and some distinction between them and the worst.

And when you make that distinction all these difficulties of classification will be largely removed. The men and the women, if only aided a little, will soon classify themselves.

And when you know about these people and when you have undertaken to classify them, what next? Work. Work for those who can work, and that work must differ even among the workers. There must be, of course, a difference in the ability to stand the strain of work, as there will be differences in intelligence and in aptitude to put their hands or brains to use. But they must work.

Well, it is said that every one admits it, and every one, they say, admits the desirability of classification. They must admit it. It is a self-evident fact, when once that fact is brought to the attention of people. If he will proceed so far as to think, no human being can deny it; but that is true in regard to most of the great truths. It is a question of whether men's attention is called to them or whether custom, whether long practice, has dulled the mind so that it does not grapple with the question fairly and freely.

Now, we have found fault — we have urged the importance of this, and therefore it is said that we have found fault with the Commissioners for not making these people work. Well, that is not a charge specifically against these Commissioners, but it is a charge against the system — that although these pauper institutions have existed in our city for nearly one hundred years no attempt has been made to bring that about which was recognized at the very outset as the thing to do. Josiah Quincy when he made his report before he became Mayor of Boston — I think it was in 1820 — to the Legislature upon this subject, pointed out this very idea of classification and necessity of work. He pointed it out afterwards, and when the City Council of Boston appointed a committee to investigate this subject of the treatment of the poor, and they made their report of 1878, those were the things, nothing new. They proved by statistics, they proved by precedents, they proved by authorities in one place and another that this was desirable; but they proved nothing more than Josiah Quincy had pointed out at the first and nothing more than what we contend for now; that is, that if you wish to elevate instead of degrade, unless you want to make the people worse for going into our pauper institutions instead of making them better, and unless you wish also to bring down the moral condition of the whole community, you must take some action in that direction, because what you do to those there is an example to others. It does not merely affect those in the institutions — it affects a great deal more those who are out.

Now, the fact that although this necessity of compulsory work was called to the attention of the community more than seventy years ago, was called specifically to the attention of the citizens of Boston in an admirable report in 1878, and nothing whatever has been done to bring about the desired result, is, I say, not preëminently a charge of complaint against any particular human being, but against every one of us who has known of the lack of those who have managed the institutions certainly must bear the most blame, because they have known most, and ought to have called it to the attention of the public. They ought to have called the need of compulsory work to the attention of the public, because it is something that no human being can deny, and the evil of omitting action upon which everybody must recognize. But the blame must rest not on one head, or three heads, or on four heads — it must rest on all who have known of this condition of things and have not urged the community to make that change which should have been made.

Now, Mr. Babson, the Corporation Counsel, has given his formal opinion in accordance with what Mr. Hale gave to be his opinion, that there is ample power to compel work. But as it has not been heretofore exercised, the legal power ought to be made clear beyond peradventure; and it should be your recommendation without question that an Act be passed by the Legislature to settle any doubt that any human being could raise on this question. No body of men upon a legislative committee and no individual legislator can stand up before the community and say that such a law should not pass; and it should pass, giving all the powers which this investigation and which the experience of the Commissioners and their subordinates think necessary to produce result.

This should be done not merely to save the expense to the city,

although that expense is a very important item where taxes are as high and expenses are as great as they are here, and as they are in every large city in the country; it should be done because it will produce a decrease in the number of inmates. But it should be done more than that because it will produce an improvement in those who are unfortunate enough to be inmates. Those people should be made self-supporting, and it must be recognized that there will be in these institutions, as there were in Mr. Roberts' home, as there are in Mr. Roberts' industrial home, people who are able to earn a living and able to earn a good living, if they have the support and the care which an institution may give them, and yet who are so weak in character that they cannot be allowed to be in the community, that they must fall the moment they are out of the institution, and when you find that there are such people who can earn more than their living, then upon those clear principles of stimulating ambition and stimulating the efforts to reform, you should, as is done in Mr. Roberts' home, let men get the benefit of their increased work. Let them know that if they will work and earn more than their living they shall also gain the benefit, and thus pay them for what they do.

Now, the matter of this clerk Hinds, who kept these ten different sets of books, who had been at the institution some three years, and who got ten dollars a month, was brought up. I say in regard to such a case as that, that either Mr. Hinds was not a fit man to keep the books, or if he did keep them well, the city has not treated him properly; it has not treated him in a way to encourage him and to raise him, as should be the effort of any public institution in Boston. If he could keep those books, which occupied him from morning until night, and keep them well, he was entitled to be paid more than ten dollars a month and his board; and upon any just principle of action which is adopted, any wise principle of making men grow up and of helping them, showing that you are there not merely to care for them physically, but to lift them from the low level upon which they stand, that case of Hinds should be noted. Either, I say, he was an improper man for the place, or he was improperly paid.

It is suggested that this matter of labor would involve a large expense. I do not believe it. I think we have every reason to believe that the introduction of the labor test would reduce to a very large extent the number of able-bodied people in the institution, and so far as they were there it would afford also an income. But whether that be true or not, there is a large amount of work which could be done by these inmates without expending one cent except for a few scrubbing brushes or tools by means of which they might be put at work. There is plenty of work about every institution that can either be done or remain undone. Do it. Make these people do it, and I assure you, gentlemen, that these very people, wretched and miserable and degraded as they may seem, will in the end rejoice in the work which you impose upon them. You will raise them in their own self-respect, and when you have taken that first step all else follow. Then they will raise themselves, and that is the only way by which you can raise any human being. You cannot do it by orders, you cannot do it by rules, except to a very limited extent. Orders and rules are essential, but you must stimulate in the individual by that wise action, by the tact that but few men have, a feeling which, when applied to the individual, will raise him from the low level upon which he stands.

And work alone will not do it. You may undertake to classify people as they are. You may know all about them. You may undertake to classify them according to the best recognized distinctions that you would yourself lay down after the knowledge you may obtain. You can make those work who are able to work, but that is not enough. These people are not machines, and therefore work will not alone satisfy

them. You must remember, and remember every moment of the day, that these are human beings, that they have emotions, that they have feelings, that they have interests, and that these emotions, feelings, and interests which they have may carry them to the good or may carry them to the bad, that those feelings and interests may be stimulated to the good or to the bad, and that it is for you, you who have charge of them, to undertake to help them, to point the needle in the one direction or the other. After they have worked their hours, after they have worked during the day, something more must be done.

Mr. Roberts, in his practical dealing with this question at the Industrial Home, saw that, as everybody must see, and everybody admit, to whose attention it is called. They should have entertainments, they may be literary, they may be musical, they may perhaps be of a class hardly worthy to be called either. The slightest thing may interest them. They may be delighted with the flowers which we who are used to them would cast aside. They may be delighted with a chromo which we who have better knowledge of art would turn down. But those people are human beings, and each one of them, and all of them, can be raised and raised only by holding up before them that which is higher and that which is better than they.

Strive to do that.

They call this a Home for Paupers. That place may be as clean to-day, or any day, as any place in Christendom; the food may be as good, the air may be perfect; you may have beds with woven-wire mattresses as good as any that can be found; the attendants and the discipline and work may all be there. But that place as it presented itself to us is as far from a home as one pole is from another. It is the very opposite of a home in every particular.

Home! With that name is associated every tender memory and feeling that one has, every attention, every kindness, and every little thing that may make one feel a little better, a little kinder towards his fellow-men. You pass through those long wards, bed next to bed, — everything alike, nothing to enliven, nothing to cheer. If there is any one thing that is depressing in life it is to go through that institution. Every one of you must have felt it. Did you think for a moment when you were down there that that place is called by the city of Boston a "home"? Was there a thing in there that reminded you of your own homes, any one of them? And I say that these things we have talked about here — the milk, and the bread, and the meat, and the beds, the cleanliness, and everything else — have them all and you will have something remote from a home unless you bring in their kindness, cheerfulness, helpfulness, and these manifestations of it, be it a plant, be it a flower-pot, be it a picture on the wall, or a book on the table, — unless you have those you have called it the opposite of what it is.

It is those influences which must be felt. They must be brought into supplement your classification and to supplement your work, and it is those influences which will make men better and will raise them up more than all the rules, all the threats of imprisonment, or the threats of punishment, or the threats of bread and water. That is the way in which you are to do this, and that is where the individual must come in.

You saw in that picture which Mr. Roberts showed us here his room where these men sat down at table. It looked like a club. There were many tables there; there were tablecloths upon them. The tables were small, perhaps having places for four; there were pictures on the wall, the waiters were dressed as the waiters are dressed in our best hotels. They had their white coats, they had their white aprons. Everything about the place reminded you of something attractive. Every man, I daresay, who went into that dining-room went to a place better than he ever lived in during his whole life. It was as good a place from all that appeared there, just as good a place as you or I live in.

Was that extravagant? No, because those poor people are more susceptible than either you or I to a little better influences. We might be content to eat from the bare table itself, but that luxury of a clean white table-cloth, with them, I dare say, does more to raise them than all the sermons and all the work you could give them from morning until night, because it shows them, degraded as they may appear to be, that the better things in life and the higher standards of living which their neighbors have are within their reach. You will never make men better by telling them they are bad. You make men better by showing them to what they may rise, and those little things, which to you or me would seem to be nothing—the picture on the wall, the waiter with his white apron, the white table-cloth, the small tables at which men may meet their friends and at which men may exclude those with whom they do not care to associate—those little things which bring the lowest on a par with the highest. Those are the things that make men and that help men, and that enable Mr. Roberts at his Home to make these men self-supporting and to let them go out into the world with money of their own saving and with self-respect.

Can there be, I say, anything more dreary and more depressing than what must have presented itself to you with those endless lines of tables going from one end of that dining-room to the other—two or three or four rows of them? It seemed the death in life, it seemed like the burial-ground of the self-respect—if they had any—of every man who sat down there. Well might they say: “Who enters here leaves hope behind.”

I don't care what you put upon those tables. You may have given them everything that they needed, you may have given them twice as much as they ever had before they went to that institution. The men may come out weighing ten pounds, fifteen pounds, or three pounds more than when they went in. I care not for their pounds, and I care not what they have to eat, so long as they have enough to keep them in health and to keep them at their work; but I care that you should give them, and you care and everybody cares that you should give them, that which they have in such a way that they may feel that they are not the outcasts of society, outcasts forever, but that they are people who are attempting to rise and attempting to reach again the class of citizens of whom we are proud, and citizens who are proud of the community in which they live.

If you once show those people that there is something to hope for you will never hear complaint. There will be praises for the man who is severe with them as they have praises for the man at Rainsford Island who has been kind to them and who has shown by his manner that, however unfortunate, wretched, mean, and miserable those people are, he recognizes that their wretchedness is a ground for sympathy and not a ground for censure.

So that, I say, is the thing first of all to be considered, and all your classification and your labor is but a part of that great movement to which the mind must be brought.

For that you are to invite what you can of outside influence. People in the pauper homes are in a very different position from people in criminal institutions. There may be good reason—there is good reason, as Mr. Pillsbury has said—for denying the right of the public to go down to Deer Island and visit that institution. Men who are in correctional institutions, who are serving sentences, should be subject to entirely different influences from those who are in the pauper homes. It may well be, it undoubtedly is, that visitors to correctional institutions may do much harm. But in the case of pauper institutions precisely the opposite is the case. The people who are there, whatever may have been their past life, are there mainly because of weakness, if you except those loafers who go there now because they are not obliged to work.

You should bring that institution as much as possible in contact with the outer world. It is a fact, an unfortunate fact, that this institution is now so remote; but if it is once known that those who have charge of the institution desire the coöperation of the public-spirited citizens of Boston, of those who are devoting their time and attention to charities, that they want them to come in and help enliven, and help raise the lives of the miserable human beings who are huddled together on that island, distance will not prevent their coming, because they are very ready to make a sacrifice. You must bring in that influence, and unless you bring in influence in some way, unless you bring the outer life, the outer sunshine, into the darkness of the lives of these unfortunates, you can never expect to get that moral growth to which this institution should ever strive to bring its inmates.

These are the main considerations. All else is subsidiary. Of course, in carrying out these recommendations, you must draw some marked distinctions between the various classes of your inmates — those who occupy the infirmaries, old men and old women, old, some in years, and old, some by the misfortunes and the miserable lives that they have led. Those people, whatever may have been their past, have but one future. They are there to die — to die there unless some kind and sympathetic person may find in some way an interest in them and take them away. That is their only hope.

Those people are to be treated so that their end may be as little miserable as possible. You must allow those people many things which the young and able-bodied ought not to have if they do not earn them — allow them comforts — such as these chairs which were so much talked about, and which probably did more for actual comfort than any other one thing would. Allow them comforts, allow them also something like luxuries — not what you and I would call luxuries, but what might be luxuries to the miserable poor who haven't anything.

And the others are to be treated well in this sense — they are to have good food but not indulgencies. They must be made to understand that they will have there what they need to live on and what they work for, and if they work and earn under a proper system, as I say, more than their living, including by that the cost of maintaining them and their share of the cost of maintaining such an institution, they ought to have the benefit of that. They should, however, learn above all that they are not to be pampered, but are to be disciplined. They are there, many of them, because they have not learned to control themselves, and they should be taught discipline. The rules which have been hung up since this investigation begun, and which had been hung up before but came down, should be obeyed; not so much perhaps because obedience to those rules is necessary for a proper management of the institution, but for the sake of the men themselves. They must be taught to do that which they do not like to do. They must be taught to be stronger than their weak selves are. And if this discipline is enforced the men themselves will rejoice in it when they have once learned to obey and have gained strength.

If you had not a bit of work to give them on Long Island those men could be drilled for discipline and drilled as labor, as men have been drilled in reformatory institutions, and they would come out better and more capable men and would be far more happy men.

This poor Simpson who has been constantly cropping up in this investigation, has been introduced, so far as I am concerned, not as a witness but as an exhibit. I refer to him as an exhibit of what our public institutions have done, because, as Mr. Proctor says, there is no man in all the community, perhaps no man in any community, who has been so many times in a public institution as this very Simpson. Now, if these institutions had been what they should be, what they will be, I believe,

Simpson, if not an impossibility, would be a rarity, because the work of those institutions is to make men different than Simpson is, different even than he originally was, and I have no doubt that he is infinitely worse than he was at the beginning when he first entered one of Boston's hospitable institutions.

When you say that the statements made by these inmates are not to be relied upon, and many of them are not, I ask you to remember the saying, "By their fruits ye shall know them." These people who have been in the institutions, as we see, fifty, sixty, seventy, and eighty times, and some of them perhaps more, who have spent their lives in going from one institution to another, have furnished object-lessons such as you cannot get by all the testimony and all the argument that the world may afford you of what we have been doing, or rather what we have been omitting to do, in the city of Boston. When we see by the reports in connection with the commitments to these institutions how many times a man or a woman has passed from one to the other, as the shiftless are constantly moving from one tenement to the other in the city of Boston, you have there an example of an omission to manage the institutions upon the principles which now prevail in the most enlightened places and communities — the happening of that which should never be allowed to happen; and consequently when you consider this question, when you come to consider the recommendations which should be carried out in order to produce that improvement in management which we all so long for, keep before you this picture of Simpson and of his kind, and remember that it is only by a thorough change in methods and in spirit that such results can be avoided. If you change the spirit of the institutions, if you change the purpose of the institutions, you will find that such instances as that of Simpson's roving from one institution to another, going from bad to worse, and in character from the frying-pan into the fire, will grow less in number, and that the instances of reform of inmates, as in the State reform schools, will grow more frequent. It is to accomplish that and that only that we have taken part in this investigation.

Now, this passing from one institution, this going from one institution to another, this leaving an institution to go to the city and then to fit one's self merely for a return by debauch and miserable existence, is a part of the evils which have been so frequently pointed out. This pass system, this letting a person go to town only in order to spend the little that they may have received in one way or another, that they may have saved, by saving their tobacco, and that which they may beg from another, is something that should be given the most earnest consideration. Many of them go to town and return each time worse than before, and, therefore, when the special committee, when the Board of Visitors, and when all other people who have investigated this question say, "Stop those passes," they point to one of the minor evils connected with this lack of proper system which it is most important, and which, on the other hand, it is easiest to correct. True, the people can go, — yes. If they want to go they can go, but they do not go with a certificate, with practically an endorsement by the city of Boston that they have gone, and that is what you give when you send them down with a pass.

If you can limit their pass to once a month, as had been said by one of the witnesses, you can limit it to once in six months or once in a year. You must give passes to some, but that privilege must be exercised with discretion. You may say at the outset, "You are to stay here to be improved, not to be fed. This institution is not a cheap boarding-house, and it is not a free boarding-house, but it is an institution to which men come because they have been weak or because they are unfortunate, and we wish to send them out stronger and better able to withstand the temptations of the world." And therefore when they are there they are to be treated like that.

Persons who are poor have rights, and there is the city's correlative obligations. But the right of those persons is not to be fed in idleness or to move in freedom about the community contaminating others as they have become contaminated themselves. It is their right to have that done for them which is best for them. We can move about with comparative freedom, because we ask no favors of society directly; but when a man comes and says, "Society is to take care of me"—yes, society is to take care of him as wise fathers and mothers take care of their children. They are to guide and to protect, and not to allow the will of the weakling to override the best judgment of the parents.

This all goes to one end. Prevention and cure are the things to be regarded. And in this connection, closely allied with this subject of passes, the matter of pension was brought up. Well, it did appear that there was one man, a pauper at Long Island, who frequently went out on passes, who had had a pension from the United States of \$360 a year. Others had small pensions. One had \$90, another had \$48, another had \$36. Now, the total amount that is paid in these pensions may not be large. It may not be more than \$1,000 a year, it may be \$500 a year. If it were no more than that it would be a matter which should be saved to the community. But it is not a question merely of saving the \$500 or the \$1,000 a year, which are the sum total of the pensions of these people. It is the demoralizing influence of allowing one to have money and to spend it in debauch and to be a charge upon the public. That is the reason why action is called for, and when such a fact presents itself, when it is ascertained, a remedy must be found.

We know what they do in many Homes. We know what they do in soldiers' Homes and hospitals. We know what they do in Springfield. When any man has a pension he has to turn it over.

Now, pensions may not in one sense be assignable, but we are not dealing with people with whom we are going to have a quarrel and who are going to disobey rules. At Springfield they are perfectly well able by making it understood that a pauper is to turn over his pension, to get it. But if that were not sufficient—and I believe it is and would answer in almost every case—we have a simple device under the law, to have a spendthrift's guardian appointed. The law provides for that in the most specific way, and it is a matter of no expense and no difficulty whatever to have guardians appointed for these people.

I say the principle of having men live at the expense of the city, waste their substance,—given them perhaps for honorable service,—during the war, in degrading debauch, is a disgrace, a terrible disgrace to what we believe to be the most enlightened community in America. That is the reason why we have called attention to this matter of pensions—the main reason,—although, as I say, in a city where every dollar should be saved, even the \$500 or \$1,000 which would come into the city treasury through those pensions in any one year would be a matter of very considerable significance.

There was another matter that bears upon the same subject which was brought out in the testimony. It appears here that recently quite a number of the inmates who have died at Long Island had insurance upon their lives. We have not the facts in regard to that insurance. Some insurance may have been taken out in the names of the paupers themselves and payable to their estates. Some of the policies may have been payable to very near relatives. Now, it is perfectly possible—it is more than possible, it is probable—that some, perhaps all, of that insurance might, in law, and should, in morals, have gone to reimburse the city for the expense of maintaining the pauper. In the case of State paupers, under the law the principle of reimbursement for support of the pauper is applied, and an equivalent amount should come to the city. That principle and law of reim-

bursement should be enforced, not so much because it is going to bring a few dollars into the city treasury, (as perhaps the total amount that would be brought into the city treasury would hardly pay for the expense of collection), but it should be brought in as matter of principle in order to prevent the demoralizing influence, in order to prevent the harshness and unkindness of relatives in allowing their people, their dependent people, whom they could support to go to the Home for Paupers, and then retaining money which comes to them from insurance instead of reimbursing the community for what has been expended.

I say, therefore, that this investigation, which should be made in regard to each individual, and which must be made in order that that we may deal properly with them, would have also this incidental effect: it would show what men or what families could pay for their own poor, and should pay for their own poor and should not throw them as a burden upon the community to demoralize not only themselves but all who are brought in contact with them.

Mr. Chairman, much of the testimony which has been given here has related to the hospital, the excellencies and the defects of the hospital, its management and its equipment, have been fully discussed by witnesses, and there have been from time to time some little discussions by counsel. I don't think it profitable to go into that evidence, because I don't believe the differences actually testified to by the witnesses on the one side and the witnesses on the other are of much significance. That the hospital building is one of which we can all be proud we know, and that I stated at the outset. It has been built recently. It has been built in the best manner, and if here and there there has been any error, a defect in the judgment of one person or another, it is an occurrence which will probably appear in every building that is ever constructed, because hardly anything is done which we do not afterwards find could have been better done in some respects.

The building, and in many respects the equipment, are excellent. So far as building and equipment, and, in many respects, so far as management is concerned, defects which have been pointed out have been remedied. Perhaps the chief defect referred to was that in the matter of nurses, and the recommendation which we have made, which the visitors and the special committee made before us, which was made in the papers many times before either visitors or special committee had occasion to act, has been adopted by the Commissioners, as we find to-day. That head-nurse, the person who should have charge of the institution, is there, and she is a trained nurse; and, whatever Mr. Proctor may say, Dr. Cogswell has stated here his emphatic belief that trained nurses are desirable — which did not need the statement of Dr. Cogswell or anybody else — just as you would have a trained lawyer, a trained doctor, or a trained anything else. General nursing in some phases may be done by anybody, but it is like the boy who has never played the fiddle and who thinks he can, when you put him alongside the man who has had the training with the fiddle. Of course you want the best people to do the work, because the best is the cheapest. We know that.

With all the improvements at the hospital that have been made, partly before Dr. Cogswell came and partly since and during this investigation, with all the improvements, as the superintendent has said, this is the most important, the last recommendation which has been made by the Board of Visitors — that there should be a constant striving to raise the standard of the hospital; and unless you have that constant striving to raise the standard of the hospital, and to raise everything else connected with the institution, you must always fall below. Things in this world grow better or they grow worse. They never stand still, and it is necessary that they should particularly grow better in a hospital or an institution. Otherwise the hospital or institution falls far, far be-

hind, because the outside world is moving on. It will not do to say that it is as good as something else was forty years or twenty-five years ago. It will not do to say that it is as good as other hospitals were five years ago. It is not, gentlemen, even sufficient to say, it will not suffice you to say, that the hospital at Long Island is as good as a hospital in New York, San Francisco, or Atlanta is to-day. That will not do. That is not the position which the citizens of Boston ought to take in regard to any of their institutions. They have been accustomed in many things, in very many things, in everything almost which pertains to humanity, which pertains to enlightenment, not to say "We are as good as some others," but "We are as good as any, and we are better than most."

That is the position, and when we come here and urge that things be better, when we come here to say that this improvement is to be made, that this standard is to be adopted, to rise, rise above the level on which you are now, it is not because there may not be at Atlanta or at San Francisco or at Mobile or at New York, things a thousand times worse than we have here. It is because we have the beginning of good that we want to make it better, and we want to make it as much better as the enlightenment, as the sense, as the humanity and the best desires of the citizens of Boston can make things.

When we complain, gentlemen, of what has been, we complain not to criticize individuals, because we care not for the past, except in so far as it may guard us against making mistakes in the future. It is the lessons of the past, not the facts of the past, to which we want to call your attention. And when we have dealt with things as they were it was in order to show you how things should be or to warn you how things should not be. It will not do to make these comparisons except in so far as we compare with what is best, and for that we look over the world. If we find it in England, if we find it in Germany, if it be at Tewksbury or at Cranston, wherever there is something better, let us follow on, until they may point to the Home for Paupers at Boston and say, "There is the best."

Now, gentlemen, those are the general principles, the main points, to which one's attention must be directed in determining the system which should prevail at our Home for Paupers. Nobody will deny them; they need only to be stated, I believe, to be accepted. When stated and accepted — what then? Like everything human, like every human institution, more than almost any other human institution, it must be administered by men, and by the right man.

The Commissioners can, I believe they will and do agree with every word I say, because I have but elaborated the testimony of Mr. Pilsbury. What he has said has been the theme on which I have spoken; and I presume when Mr. Pilsbury speaks, as the one Commissioner who has come upon the stand, he speaks not for himself but for all.

I assume, therefore, that they agree with everything that I have said. But they have many cares, and they are not at the institutions. They can lay down the principles, they can recognize them, but they cannot possibly in each one of these ten institutions which they have, carry them out. It is not their business any more than it is the business of a Board of Directors of one of our great corporations to run the corporation in the sense of attending to the details of management. They must have some one competent to carry out those recommendations.

And what should be the character of that man? First of all, he must be a man of executive ability. You have at that institution now perhaps 650 inmates. When the inmates of Rainsford Island are moved there, which I understand will be soon, you will have perhaps 350 more. One thousand or eleven hundred people will be congregated together on that island, and to officer them you will have perhaps 50 persons. The man who stands at the head of that institution must have preëminently executive ability.

And what does that imply? It implies, first of all, an ability to choose his subordinates and to make no mistake, or if he makes a mistake to recognize it and to dismiss the employee. He has things to be done — very important things to be done — which it is absolutely impossible for him to do himself, but he must have others who will do them, and he must select those others who will do them and do them effectively, and when he makes that selection it must be a correct one. He must pick out the right man for the right place, and not only the right man for the right place, but he must regard the qualities of the other men who are working there; not merely a good man, but a man who can work in that particular place with the next man and with the next man, so that they may all work together. He need not be about the institution here and there 16 hours a day. He should be thinking about it many hours a day, but he must have it in his power to congregate together as his assistants men who will do their respective work as well as it can be done, and who will do it all together.

That is the first thing. And when he has the judgment to select the men he must have the tact in dealing with them. He may be a man of the clearest judgment in the selecting of persons. He may be a man of the greatest ability in certain directions, but he must rely upon others. He cannot do the work himself, and he must have that ability, that tact, that peculiar quality which some men get from their experience in the world, which some men are born with, which others can never acquire, by which they secure to themselves the best services with the least possible friction, through the kind word or the kind act, or, indeed, without word or act — by a mere look.

Now, if the man has not that tact to deal with others, no matter what his qualities may be he cannot possibly be a proper superintendent for a pauper institution, for any institution, because without coöperation between the superintendent and his subordinates a proper running of the institution is absolutely impossible.

Then the next thing. He has to deal not merely with his subordinates, but he has to deal with raw material. We have not the case merely of a superintendent of a mill who is dealing with his help, but he has, in addition to his help, in addition to his foreman, in addition to his employees, to deal with raw material, which itself happens to be human beings, and the tact which he needs in dealing with those human beings is infinitely greater than the tact which he needs in dealing with the officers of the institution, with those who should coöperate with him.

Now, unless the man has the ability to select the proper assistants, unless after selection he has the tact to secure from those assistants the best possible harmonious work, unless he has the tact also to deal with the inmates who are the subject-matter of his institution and for which it exists, no matter what his abilities may be he cannot properly fill the position, and no system, no principle, however good and however fully attempted and put in force by the Commissioners, can possibly succeed. Because, gentlemen, it is simply this: you have the round man in the square hole or the square man in the round hole, as you will have it, but in either case you have the friction, and you have not success because you haven't a fit.

Now, in dealing with this particular superintendent at Long Island, I desire to say nothing whatever and I believe I have said nothing whatever against him as a man. What has gone in here in evidence has been simply in regard to acts. But I do say this; I believe the fact that he was port physician was a subordinate under the Board of Health, of which Dr. Durgin is the chairman, and which stands so high deservedly, shows that he was in that position competent and deserving; and I say that the members of the Commission were justified in selecting, and were to be commended for selecting as superintendent of this institution, a man who had shown himself faithful and competent under the eyes of one of the Commissioners.

No one has suggested, so far as I know, but that he filled the position under the Board of Health excellently — certainly to the satisfaction of the Board — and I say if it was to the satisfaction of the Board, and Dr. Durgin was on the Board during the whole time, I believe it ought to have been, and doubtless was, to the satisfaction of every citizen of Boston.

Therefore, when this criticism, which is alleged to be a criticism of individuals, is referred to, I say it is a criticism not of the individual but of a particular man for a particular place. You might as well undertake to put a lawyer at the bedside of a patient who is sick with disease — or, better, perhaps, put a physician at this bar arguing to you in the place of a lawyer — as to put a man who is fit for one thing and not for another at the head of the pauper institutions. He may be in other respects admirable, but he is not fit for that particular position unless, as I say, he possesses in the first place executive ability, and in the second place tact, and in addition — and perhaps above those, unless he possesses that belief in, that interest in, that care for the elevation of the classes of the community with which he has to deal, which is necessary in a man holding such a position; because, no matter what his ability may be in other directions, unless he possesses those qualities he cannot deal with this particular article.

It is no criticism necessarily of the man to say that he is not fitted for a particular profession or a particular occupation. It is not a question of man; it is a question of place. Many men in our community pass from one occupation to another; many men in our community who are, when working alone or under others, competent and useful, find themselves inefficient or unsuccessful when they are put over other people. It is necessarily so, just as you and I, each and every one of us here, must have different talents and qualities which in one way or another fit us or make us possibly fit to perform the particular functions in life which we have found for ourselves. Each one of us, and every one of us recognizes his own limitations, or they must be recognized for us, and we must see that what is fit for this is not fit for that.

Now, it has been said, gentlemen, that the witnesses Parker and McCaffrey were prejudiced and that the facts which they testified to were not to be believed because they were prejudiced. So far as the facts go, I don't care for them in the least. Mrs. Evans told you that there was not a fact stated in the Board of Visitors report of February 16, which rested upon the testimony of Dr. Parker, (except his statement about certain patients who were discharged while they had specific diseases :) that there was not one fact which, on the whole, rested upon the statements made to them by Mr. McCaffrey. True, each of these witnesses had also told them things which they found out otherwise and verified. But so far as their own statements made to the Board of Visitors were concerned they did not take from them any fact of which they had not satisfied themselves by other evidence.

On that account, gentlemen, I care not, so far as the case is concerned, for any criticism that may have been made of Dr. Parker or Mr. McCaffrey, because what we contend for is wholly independent of anything they have testified to. The defects which we contend for are admitted, and all of us are here to consider together, to take counsel together, as to how to remedy them.

But I say that the testimony of these two men and the comments which have been made upon that testimony are instructive in one particular. They are instructive, if it be true that these men have a bias, and that fact, taken together with another to which I am about to call your attention, show how clearly the present superintendent has shown that he does not possess this quality of tact which endears others to him and which enables him to get from his subordinates the best possible help.

Now, see where it is. There was never a suggestion heard that Dr. Parker did not do his work properly until after he testified here. Mr. McCaffrey had been for five or more years at Marcella-Street Home and had been strongly recommended for Long Island. When he left he was strongly recommended by Dr. Cogswell to the Police Commissioners. He left because he wanted to, not because Dr. Cogswell wanted him to.

Now, if it be true that these men have a bias, if it be true, as was stated, that Parmelee has a grudge, if it be true that each one of those persons who have told Mrs. Evans and the Board of Visitors the things on which they base their reports — persons who were there and persons who had left, Dr. Dever, Dr. Sullivan, Dr. Murphy, Dr. Bennett, Miss O'Brien, Miss McNamara, Mrs. McKenna, Mr. Morphy, and each one of those persons — if it be true that each one of those persons who told the Board of Visitors the things on which they made their report, as well as the particular witnesses who testified here, are biased, that the statements by them were not strictly true or were false, then I say that that reflects more than anything else upon the unfitness by reason of of lack of tact of a particular individual to be superintendent.

And you must remember this, gentlemen, when they have talked about having to close their case, that there has been taken at least as much, and I believe it will be found in the testimony more time in putting in the defence to Long Island than there was in putting in the original case. We had fifteen hearings, and I think part of the sixteenth. They were largely short hearings. The hearings since the 15th of November have been painfully long, and I think this is the fifteenth since that time.

In this defence of Long Island you must note this extraordinary thing, that not one human being whom the Board of Visitors consulted, not one human being who is an employee, or who has been an employee down at Long Island, has been put on the stand here and has testified. Dr. Dever, Dr. Sullivan, Dr. Murphy, Dr. Bennett, Dr. Noyes, all of the nurses, Parmelee, the various employees down there — not one of them has been brought here. Now, I do not care for the purposes of this argument whether the statements made concerning certain details by these people to the Board of Visitors, and which you have heard only indirectly, were correct, or whether Dr. Cogswell is right in those various matters of detail as to which he has testified. I do not care a rap. He may be right, or he may be wrong. Whether he is right or wrong is of no significance whatever, because I do not care about the past — I am looking to the future, to the future as a matter of principle and a matter of broad management in conducting the institution.

But I say, that if it be true, that, contrary to human experience which shows that ordinarily subordinates stand up for their superiors, that people in employ hurry forward to support a superior who is attacked — and I say not only people in employ but anybody, because where you get one man to attack, you can get ten men to stand up and say things in one's favor — if, contrary to that ordinary human experience during these fourteen or fifteen long hearings, running through the morning, and many of them farther into the night than I had wished, there has not come upon the stand since the defence opened one human being who was at the institution as an employee there, past or present, and who had personal knowledge of the things to which Dr. Parker and Mr. McCaffrey testified, and the things which the Board of Visitors put into their report. That fact is to be considered. Not one such human being has come upon the stand. Instead of that, witness after witness has come here and said things, of which we should gladly admit, most because they have nothing whatever to do with the case and no bearing upon it.

The men who have come here, and who have testified, are men who,

I believe, have testified largely to the best of their knowledge and belief, and men also who have testified without favor. The witnesses who have come here, physicians and others — Dr. Maurice Richardson, Mr. Tudor — have testified to things that they saw. Dr. Richardson, as he stated, I think, was down there half an hour once, another time very little longer. The things that we talked about that were wrong were not things that one could see in a few moments, but each one of those men who had been brought here with a flourish of trumpets, men who are admirable in their way and who stand high in the community, men also who should be on that board of consulting physicians which we hope to see, have come forward and testified to what they saw upon a casual visit to which they were invited and for which we know not what preparation was made. But I do not care for that, because all they could have seen, all that they would have seen, are things that have very little bearing upon this case, being side matters — merely incidental things. Those men are brought here, and such men as I have referred to, who could have testified, some large number being still in the city's employ, are not to be seen. Now, I say, take either side you will of that. Either what it has been said that those men told the Board of Visitors and what Dr. Parker and Mr. McCaffrey said was true — and I believe it is true, in the main certainly, and they did not want to come here and state untruths, or they had no desire to come here in support of the superintendent, by reason of feeling they had because of his lack of tact; it is certainly the fact that these people have stayed away and have not come here to say one word to deny the statements which have been made in regard to this man who has been superintendent of Long Island. I have no doubt that he was an admirable port physician, because Dr. Durgin kept him there.

The fact that none of those witnesses have come forward I do not care, however, to discuss; I do not care whether this witness or that witness has got a date wrong, or whether he has exaggerated in this or that particular.

Ald. HALL. — Wasn't the defence shut off, Mr. Brandeis?

Mr. BRANDEIS. — I say no, not the defence so far as Long Island was concerned. Long Island was taken up hearing after hearing with the people whom I have referred to as witnesses. They began with the forty-third hearing and went on until the present time, to-day being the fifty-eighth hearing. The hearings since November 15 have not only been far more frequent but they have been far longer than anything before.

Ald. HALL. — I think the time was shortened in order to get through, that is all.

Mr. BRANDEIS. — They may have closed sooner than they would otherwise have done, but even if that were the case I say that they have put upon the stand men who knew nothing, and they have kept off the stand all the men who knew everything, — and not only that, but the men upon the Board of Visitors say they relied in making their report. This is not a criticism upon the men who appeared, because Dr. Richardson, and men of that stamp, are men to whom we look up in every respect, and I believe there was not a word Dr. Richardson said that I will not heartily indorse. Men of that stamp would not be apt to say anything else. But I say those men were talking of things as to which they knew naught, because they made an official visit, and they did not know the things, could not know them. But the men who lived there from day to day when Dr. Parker lived there, when Mr. McCaffrey lived there, and when the superintendent lived there, knew what had been going on. Those were men who were there, and you know, Mr. Aldermen, how glad men are to get up and say something in support of their superiors. I say if these men did not so get up

it was for one of two reasons, either because they could not or would not tell an untruth—as I believe Mr. Morphy could not or would not—or because those men have that bias or grudge which is created by lack of tact in the superintendent, which is no crime, but which is a misfortune. It is a misfortune to be blind, to be deaf, or to lose a leg. I do not criticise any man for not having tact any more than I would criticise him for not having any other attribute or any other quality. It is not a subject of criticism, but it is a subject of comment; and just as you would not put a man without musical talent at the head of an orchestra, you should not put a man without tact at the head of an institution, where it is required to a degree almost unlimited.

Let us see in regard to the tact required in dealing with inmates, and I will speak of things that are not contradicted. Mr. Galvin told you, as others had told you before, the story of the introduction of the superintendent to the inmates. Mr. Galvin arose to say adieu. He arose also to thank them for the treatment which he had received from them, and he addressed them, as we commonly address men assembled, as gentlemen. The men apparently made considerable noise. As has been said, many of those who made noise had not seen Mr. Galvin come into the room. Some of them were deaf and they had not heard him. If they had seen and heard him it would not have been polite for them to have made a noise when he spoke. Perhaps they were lacking in politeness,—they are certainly not among the most cultured of our people. But Mr. Galvin recognized that. Mr. Galvin did not undertake to reprimand them. He had tact in dealing with those people, and they loved him; and I venture to say that they would easily have forgiven any accidents of food or otherwise which might happen at the place. Now, when the superintendent arose and said, “Men, I will not call you gentlemen, because you do not deserve it.” He did not know that some of these men were deaf, he did not know that they had not seen Mr. Galvin, but he did the very thing that a man should never have done under the circumstances, and that a man of tact would not have done. He inaugurated himself among the people in such a way as to create their united enmity instead of their united friendship. Now, that isn’t any criticism of the man. He resented, as a man might properly resent, the treatment given by the inmates to Mr. Galvin, showing an apparent discourtesy to one who certainly deserved in every respect the most courteous treatment those inmates could give him. It is not a criticism, I say, of the man, but it is a criticism of the man for the place; and I refer to it, and I have referred to all this, with but a single purpose. I do not believe you can deal with the question as to who shall be the superintendent at Long Island. You cannot select a man, and therefore you could not properly determine who the man shall be. That is a subject which I conceive to be beyond your province. All you can do is to lay down the general rules, the general principles. But I have referred to this simply because I have said that all your rules and all your principles are good only when intrusted to the right hands. The right man down there without those principles would run the institution far from perfectly; the right man down there without those general lines would run the institution in a way in which it ought not to be run in the city of Boston at this time, when we are near the end of the nineteenth century, because if he was not governed by advanced thought and methods such as we have suggested he would run the institution as pauper institutions were run the world over thirty or forty years ago, without recognition of those advanced principles which wide experience in various places has developed. But I say to you that, with all the advance you have made,—and I understand from what Mr. Pillsbury has testified that he recognizes and agrees with everything that I have endeavored to say to you to-day so far as the

method and aim of the institution goes, — all that will not aid you unless you have some person to put it into practice who possesses those rare qualities which this man, which some one, must possess who is properly to be the head of the Pauper Home in Boston.

And I say you must not only have that proper superintendent but you must have proper subordinates. You cannot get them unless they are properly selected. You should select the best possible men. Dr. Cogswell has said, "I cannot get good nurses down here," referring to the male nurses, "I am not to be criticised for not having good nurses until, besides selecting them you give me power, by the passage of a law, by which I can take such a man as I want in Boston and bring him down to Long Island." Now, Mr. Chairman and gentlemen, you do not need to pass any law. There is a law by which you can get those good men down there, and that is — pay them. That is the law by which we can get good men in all positions in life.

It appears that these men who are to banish themselves to Long Island, who are to perform a very difficult and extremely unpleasant task, and to be in a place where they are denied, if not the comforts, at least the pleasures, of life to a very large extent, are being paid \$20 or \$25 per month. They are remote from the city, so that they cannot spend that leisure which each of them is entitled to, in the ordinary pleasures and recreations of life. A man who goes down there must go down for either one of three reasons: Because he cannot get anything else to do, because he has the passion for humanity, or because, although he can get something else to do, he is paid better there, and is therefore paid for the sacrifice which he makes in giving up the things of the city. Now, when you pay a man for doing duty as a nurse down there \$20 or \$25 per month, you reach the result which might have been foretold without Mr. Dudley, the secretary of the Civil Service Commission appearing before you. He tells you here that men, good men who have passed the competitive examinations, when offered positions at the island will not go, and that they say in their letters or their statements that they will not go because they are not paid enough. The answer to that simply is to pay them enough, because poor help is not economy. You must have the best people. When you have the best superintendent you have got to have also the best people under him, and you will find, gentlemen, that the best is the cheapest right through. I mean by the best being the cheapest, not the very highest priced things, but that the best for that purpose is the cheapest for that purpose, and just as you will find that a trained nurse whom you pay well is cheaper than one whom you get for a less amount who does not properly understand nursing and therefore leaves your patient sick longer than he otherwise would be so it is in regard to your other officials.

This talk about drunkenness down there, — one person after another drunk, — what does it mean? It means simply this, that you have got down there, owing to the difficulty of the position and the low salary combined, the poorest material; and after you have selected the best superintendent you must enable him also to select the best subordinates, and the selection of those subordinates should be with him. If Dr. Parker is not a good man, if Mr. McCaffrey is not a good man, if Raymond, Bowden, Hall, Parmelee, are all bad men, the fault is either one way or the other — either the superintendent has not that knowledge of men which enables him to select the right man for the right place, — which is an essential for the position, — or he is not allowed to make a fair selection from the community because he is not allowed to pay those sums which alone will enable him to get the very best men.

Only a few words more, and that is in regard to these two men — Parker and McCaffrey. My argument has gone so far along that I cannot undertake anything lengthy in the way of answer to what Mr. Proc-

tor has said. I believe, however, that you will find, gentlemen, when you consider this testimony, or you have found already, that so far as Dr. Parker is concerned, the statements of Mrs. Evans and the others of the Board of Visitors show that the numerous things which Dr. Parker said have been confirmed by them, so far as they have been able to verify them, by knowledge derived from other sources, and you will find by examination into the evidence that they are confirmed and not contradicted; that if there is any contradiction it is in the matter of a date or a perfectly insignificant detail; but that in everything of importance, and in most things that are not of importance, the witness has been not only truthful, but accurate.

Now, in regard to Mr. McCaffrey, about whom most has been said in the way of criticism, I will ask you only to consider this. He was a public official of long standing, not only a public official of long standing but under these very Commissioners. He was at the Marcella-Street Home, and he went from the Marcella-Street Home to Long Island most strongly recommended. He was recommended by Dr. Heath to Long Island; he was recommended, after a long stay at Long Island, by Dr. Cogswell to the Police Commissioners; and besides the recommendation of Dr. Cogswell, he had the recommendation of Mr. John Galvin, with whom he had been a shorter time, but who knew him and knew him while he was with Dr. Cogswell. I say that is his record, and I say to be an officer in one of those institutions, particularly to be down on Long Island for seven or eight months or to be in the Marcella-Street Home five years with a man, means something more than to be acquainted with him in the city. You live with a man; he is always with you; you hear about him and you see him constantly; and when these men who, one at the expiration of five years and the other at the expiration of nearly one year recommended this man highly to the Police Commissioners, they recommended a man whom they knew and whom they had tried. It is not like some of the recommendations which we are called upon to give and which many of us do give to people with whom we have casual acquaintance. It is a recommendation to one with whom you have not only worked but with whom you have lived. It is not like a man who has been in your store, your factory, or your office. He has been practically in your house. The employees there are together, and those men who have lived with one another, under the same roof, who are constantly thrown in contact with each other, know one another and know all about one another, and hear every bit of gossip and report. I say, therefore, that when Dr. Cogswell came forward and recommended him as highly as he did to the Police Commissioners, he recommended a man whom he knew, and that was the position of the man when he came forward.

That is not all. What has been offered here as criticism of Mr. McCaffrey is, I say, one of his best recommendations. He told you and he showed from his memoranda here that he was taking notes from time to time of things which seemed to him to be particularly bad. People sometimes keep up diaries. Although he took those notes, although he saw the things which he has testified to here during the whole time he was at Long Island, when Mrs. Lincoln was going down there, when she was writing in the papers, and when others were writing in the papers about the place, and criticising it, although every time Mrs. Lincoln went there he took her pass, and every time he saw her go, yet not one word did he utter against the management of that institution to her or any one aside from her.

He recognized the loyalty which was due to an institution of which he formed a part. He recognized the propriety of not being at an institution and acting as a subordinate, and going forth in such a manner. And when Mr. Roberts went down there to the institution, a man interested in that work, what did Mr. McCaffrey say to him? He pointed

out to him everything that was good, and that is what he should do. He commended the institution in every respect that he could, and that is what he should have done. And what would you have said to Mr. McCaffrey if in June, July, or August, when Mr. Roberts went down there, he had criticised his superintendent? That would have been an act of insubordination which should have been punished, as if a private criticised his superior officer.

He did not speak to one human being in regard to these things which he felt were wrong and felt deeply were wrong, — not to one human being outside the institution, the Commissioners and the officers, except to two members of the Board of Aldermen; and while he spoke to Mr. Roberts highly and commended those things that should have been commended and could be commended, he spoke to two of the Aldermen and told them in brief some of the few things which he thought should be called to their attention.

That was his conduct until the 7th day of December, when he left, and it was not merely his conduct until then. Although he knew these things, although Mrs. Lincoln and others were writing in the papers about these things that ought to be corrected, — and whether he originated the ideas in regard to some of these reforms, or merely fell in with them is entirely immaterial, — from the 7th day of December until the 22d day of December he preserved that same loyalty to the institution of which he had been a member, which every one of us must commend in any one in a similar position.

And when he spoke why did he speak? Not because he wanted to criticise anybody but because he was urged to speak, urged in the name of humanity; and the first one that urged him to speak was one who had known from his own experience how Long Island has fallen since he left it.

This Board of Visitors when they made that special report of February 16, said they went to the Mayor in January and told him that they found there unusual abuses — not merely the grave conditions of lack of management to which the special committee had called attention, but grave abuses, and at the Mayor's request they made the report in writing. That is, they found the condition of things changed, and changed materially from what it had been a year and a half before, when John Galvin was at the head of Long Island, and the man who first told McCaffrey himself to break the seal of secrecy as to matters at Long Island was John Galvin.

When he told McCaffrey to do so it was not from spite. No man who knows John Galvin would say that he told McCaffrey to speak upon any ground excepting that public duty demanded it. If Mr. Galvin's conscience would have permitted him to remain silent and to ask others to be silent Mr. Galvin, like all others who are connected with the institution and with the Commission, would have been glad to say, "Let this remain in secret." But Mr. Galvin felt for those people down there, and therefore he said to Mr. McCaffrey, "Go, go and tell what you know." And when he wrote see what he said, in that letter dated the 20th day of December, 1893:

Yours of the 17th received, thanking me for kindness extended towards you during your short residence on Long Island. You received nothing from me but what you deserved. Part of the advisory committee — that is, the Board of Visitors — was down here yesterday. Mr. Ring wanted some points about the management of Long Island. I couldn't from my own experience give him any. He ought to be made acquainted with how things are carried on. You have it in your power to give him all the points he wants.

That was Mr. Galvin's advice, and this man who has come here and told fearlessly all the things that he knew and all that he had withheld

during his stay there — and not only during his stay but after he had left — is told by Mr. Galvin to go to the Board of Visitors, to tell them these things, how things are carried on at Long Island, and he is told to do so by one who has been long in the employ of the Commissioners, who is trusted by them, who has their confidence, who knew Long Island and who had been the employer of Mr. McCaffrey himself.

Does that show malice? Does that silence before and the action afterwards show malice? Does it show envy? Does it show any desire to pervert the truth?

That is not all. That was the 20th day of December, and on the 21st day of December another letter was written to McCaffrey, telling him to go to the Board of Visitors in order that they might know how things were carried on down at Long Island. In that letter Father McAvoy bade him act. Father McAvoy spoke, and you will remember that letter in which he speaks of the drunkenness of Smith, speaks of the way things cannot be remedied, speaks of the complaints that he had made and that Dr. Jenks had referred him, and referred him rightly, to the superintendent to make corrections, because it is not the business of the Commissioners to select men for Long Island for the position of receiving clerk, nurse, or doctor. These things must be attended to by the superintendent, and when Father McAvoy called upon the Commission and told them what was wrong, the Commissioners properly referred him to the superintendent.

But the superintendent did not act. Things remained as they were and threatened to grow worse. This man who had been unfaithful as a receiving officer, who had been intemperate, was about to be made deputy superintendent. He was already acting deputy superintendent, and as John Galvin had spoken as his conscience bade him speak, so Father McAvoy spoke as his conscience bade him speak, and told what he had tried to do, and what he had done in vain. And he said, "Go, and go quickly, and, as a favor to the infant Saviour, born in poverty, help His poor whose rights you have so well defended."

And because McCaffrey comes forward and goes to Mrs. Lincoln in pursuance of those warm, those urgent words of Father McAvoy, and goes to the Board of Visitors in response to their request, not voluntarily but because John Galvin told him to go and told him to say how things were carried on there. Counsel, in order to protect an official, a superintendent, to protect a man against whom little is charged except that he is not fitted for that particular position in which he is put, blacken the character of McCaffrey and at the same time, by the same act, whether they desire it or not, blacken the character of John Galvin and of Father McAvoy.

I say, gentlemen, you will consider that fact, that McCaffrey came forward, urged by John Galvin, urged by Father McAvoy, to tell what he told after he had been silent for months during his stay there, after he had been silent for weeks after he had left, and that he has been attacked here as he has been for no other purpose than to endeavor to shield one from the charge of being in the wrong place.

Gentlemen, we have all perhaps been put in the position of being in the wrong place, and if we are at any time we should be glad to be told so. When we are there let us go, but let us not try to prove what is not a fact, to prove that we are right by blackening the character of men, who, acting not only upon the dictates of their own conscience but acting under the advice, under the request, under the entreaties of those whose position in the community, whose relations to them, bid them speak words of command. And so it was that McCaffrey acted.

Gentlemen, all of this that I say, all that I have said which relates to the superintendent of Long Island, I repeat is said without any desire of criticising the man. It is not for us to criticise the man. The man may stand high, as he evidently does, in the estimation

of his classmate, and the judgment of his classmate is such that I should be glad to think that all that Mr. Proctor has said is deserved. If what Mr. Proctor says about him personally is in any way colored by that friendship which came from early years, I am sure I should not wish to remove that hue of friendship in any way, because what I say about him, what we have said about him here, shows merely, and is designed to show merely, that whatever may be his capacity and whatever may be his qualifications in certain directions, they are not qualifications for this position.

But I say even that without any desire that you should act upon it, because I say that is something which it is not for you to act upon. The question of his fitness or unfitness for his position is something which the Commissioners have to determine after they have heard the evidence, or whoever may be at the head and above them. You are to do merely this, as I take it — to determine whether those principles in the management of this institution which Mr. Pillsbury admitted and which I have endeavored to elaborate are the proper ones, and, so far as you can, to indicate how they may be put into practice. If you do that — and I believe you will agree with him and with me — if you do that you will do your duty and your whole duty, and it will be for those who follow in the management to see that the recommendations are carried out and to lend their mind and their faith to carrying out what you, we, and the Commissioners have recommended.

I thank you, gentlemen.

A recess was taken at 6.35 o'clock P.M., until 7.35 o'clock P.M., when the session was resumed.

The CHAIRMAN. — We are ready to proceed.

Mr. RILEY. — I am not prepared to go ahead, Mr. Chairman, unless at least a majority of the committee are here, and I desire as respectful treatment as anybody else. I wish you to remember, Mr. Chairman, very respectfully, that I have all the feelings you have in this matter and that I feel as you would feel in my place. I shall insist upon the most respectful hearing.

Ald. SANFORD. — Mr. Chairman, I move that the committee take a recess subject to the call of the Chair. My intention in moving the recess is that we may get a quorum and, if possible, accommodate Brother Riley.

Ald. LOMASNEY. — While, Mr. Chairman, as I understood the vote passed earlier in the hearing, it is not absolutely necessary for us to have a quorum, I believe it desirable that we should have it. Of course, we all know what has occurred, that certain things have occurred which we regret have happened. We must realize, however, that we have spent a year in this work and that it is now drawing to its close. Personally I have attended nearly every hearing, have heard the evidence of witnesses, the statements of lawyers, and the able arguments that have been presented this afternoon. I think we should realize the necessity, no matter what may have happened and no matter what there may have been to warrant it, of not taking a position that cannot be maintained. In order to bring the matter to a head, and in order that the committee may not subsequently wish to recede from any position it may take, with your permission, Mr. Chairman, unless there is objection, I will move that the committee, unless Mr. Riley concludes his argument, rise at 10 o'clock. I think that position is a proper one, and I think it is a position that we would like to have taken towards us. I was a witness of what occurred, and I feel that the best interests of all would probably be subserved by doing that. As I have said before, while we may have personal feelings I think we should take the public interest into consideration and act in a calm and judicious manner. If there is no objection, I would make that motion.

Alderman Sanford's motion, that the committee take a recess subject to the call of the Chair, was carried 7.49 o'clock P.M., and the committee reassembled in the aldermanic chamber at 8 o'clock P.M., to resume the hearing.

CLOSING ARGUMENT BY THOMAS RILEY, ESQ.

Mr. Chairman and Gentlemen: I can pleasantly say to you now what the magician in Shakespeare's beautiful play "the Tempest" said as the curtain was about to ring down:

Our revels now are ended;
And, like the baseless fabric of this vision,
The cloud-capp'd towers, the gorgeous palaces,
The solemn temples,

containing all the falsehood, subterfuge, and deceit with which the other side has filled them

Are melted into thin air;
And, like this insubstantial pageant faded,
Leave not a rack behind.

And I desire now to thank you, Mr. Chairman, and Mr. Alderman Sanford, Alderman Lomasney, and a few others at this Board — and by no means forgetting the Alderman to your left, Alderman Lee — for the close attention paid to this investigation, and the earnestness with which you have followed it up; for I know how tedious it has been and how arduous the work, but still you recognized that it was in the performance of a solemn, indeed a sacred duty.

A great minister known to our community, passing away before our time, said in one of his sermons, speaking of the rapidity with which even the greatest human footsteps are erased: "A stone perhaps may tell some wanderer where we lie, when we came here, and when we went away, but even that will soon refuse to bear us record. Time's effacing finger will be busy on its surface and at length will wear it smooth, leaving no trace behind." In my humble way I cannot reach that conclusion. I prefer to follow the philosopher who, in the stillness of his study, laid down the great truth that nothing is or can be lost, and who said: "If you go to the middle of the ocean and drop a pebble in the water the ripple that it makes, slight as it may appear to the human eye, far away as it may be from human habitation, will never, never cease until it touches the shores of two continents and makes itself felt." In this spirit I have entered this case; in this spirit I am about to close it.

To illustrate. I studied law at the feet of one of the wisest, greatest men I ever met or ever knew. In his later years the lot and pleasure was mine to see a great deal of him — a man whose figure can only be seen in its full proportions when ages have passed away. He was Governor of this State eleven years ago. He entered upon an investigation of one of our public institutions, and at once around his head all the vituperation and abuse of the thoughtless, the proud, and the sordid circled. They said that great and glorious as his fame was as a lawyer, soldier, statesman, he had blackened it all by his conduct in that investigation, in insisting upon it; and, truly, the sentiment of Massachusetts seemed to be that way, and the sentiment of thoughtful and intellectual Boston seemed to run that way, too.

What now? Eleven short years have rolled away, General Butler, the greatest figure in American life since Benjamin Franklin left it — sleeps in the grave and is numbered with the illustrious dead. Ah! if he could have heard what was said the other night by one of Boston's foremost, best, and most intellectual women, — Mrs. Glendower Evans,

— who perhaps was not attracted towards his career in life — “Tewksbury, a disgrace to our State and our nation eleven years ago, is to-day, because of the investigation, the finest institution of the kind on this continent and perhaps in the world.”

The philosopher was right, the minister wrong. Things are not lost. What we do remains behind for good or ill.

Now in this matter we fortunately have a person who has entered into the investigation heart and soul — a good woman. And what on this green earth of ours can surpass that — a good woman? The greatest statesman now living, the maker of modern Germany, he who has had kings and emperors at his feet, who has made anew the map of continental Europe, deprived of the companion of his life the other day never uttered nobler words than these, when looking at the dead body of her who had been all in all to him: “Whatever I am, whatever I have been is due to her.”

And whatever this investigation may produce is due to Alice N. Lincoln. If there were more women like her in Boston less attention would be paid to fashionable life and more to what we know to be useful life.

Mrs. Lincoln has taken up this investigation and has been an inspiration to us all. She has set her mind and bent her efforts towards the amelioration of the suffering and the poor.

Now, what are the charges here? because they are very serious if true. As I get them they are these: Abuse of the old and the infirm, of the young and the tender, of the living and the dead, of both sexes, of those who have been touched by the hand of God and lost their reason, profanity, drunkenness, brutality, neglect, immorality, public indecency, disgusting and horrible practices, violations of law, driving prisoners insane, and murder.

Serious charges these, my fellow-men. Are they true?

Now, before proceeding to the charges, a few words personal to myself. I came into this case late, when it was well under way, at the earnest solicitation of some of the best men in this community, both in public and in private life.

It has been asserted again and again that I am the unpaid counsel. I am. That I have sought to lower the tone of the investigation. That I deny, because I know it is untrue. Money could not hire me to devote my time to this investigation, for in all my professional life I have never worked much after the setting of the sun, and I can afford to keep out of it, being neither rich nor poor, and out of debt. Humanity, however, can hire me now and always, and I say to you and to all who have aspersed my motives, that never has compensation come to me, never shall, for my efforts, my humble efforts here. What I have done has been a contribution — my contribution to the city of my home, my life, and my affections, and I trust it may benefit my fellow-men.

Now, I know that it will be hard for some people to understand this. A bigot cannot understand it, a brute cannot, — for all brutes are not on four legs. An unknown lawyer, one who has been a persistent place-holder, who feeds at the public crib, who always “bends the pregnant hinges of the knee that thrift may follow fawning,” who has been weighed in the balance and found wanting, and who has received his final dismissal from public life, cannot.

It is not by these or such of these that I am to be judged? Mud is not yet marble, nor is the clod of the valley a mountain peak.

Mrs. Lincoln has been attacked by Dr. Cogswell, by Mr. Reed, counsel on the other side, and, in the most innocent and unintentional way possible, by a gentleman, as honest a man as treads this earth, as decent a man as lives, and as close a friend of mine as I have — Mr. John Galvin — against whom I could not if I would and would not if I could say a word; because in his testimony it came out in answer to one of the questions, that Mrs. Lincoln should take a great deal of interest in the public institutions inasmuch as some of her tenants got down there.

Well, now, that never came from Mr. Galvin's heart. It only proved to my mind the pressing necessity of the other side, when they could induce such a good man, who was a public official, to say that thing. No man who lives regrets it at this hour more than Mr. Galvin himself.

All who have figured in this case have been attacked. I have been savagely assailed, and I care not. But the meanest, pettiest thing of all, has been the repeated reference to me, my professional standing, and an incident or incidents that occurred in our courts. Of course, here I could not resent it and so I put up with the offensive interruptions and interjections, and determined to bide my time. I knew the quarter whence it came. I spoke about bigots not long ago. They are not all dead yet. Unfortunately they are not all outside of the courts. I think everybody knows the incident referred to.

One at least of the incidents referred to should not be misconstrued, and I am not ashamed of it. I was pressed out of a case — that is, I would not remain in it because I deemed that I was not treated rightly in one of our courts while in performance of my duty, and then the bigotry of which I speak cropped out through the columns of a newspaper and I was referred to in an insulting way, referred to as an Irish lawyer — “That the Irish lawyer had met his Waterloo.” Now, I never like to speak of myself unless forced to it, and in this connection I simply desire to read a communication from myself giving the true facts of the case. It is very short, and then I will end this part of the subject.

(To the Editor of the “Record:”)

In yesterday's paragraph referred to me you made some unintentional errors :

I. You say I was “sat on.” This is as untrue as it is inelegant. I was not. No one is to answer for the acts of another. I am only responsible for mine. Surely to remember my high office and submit at once to the quickly invoked voice of authority by leaving the court without any display of temper or loss of self-respect is an act quite different from the one which your slangy but expressive phrase describes.

II. You refer to me as an “Irish lawyer.” This is wrong. There are Irish lawyers, and they are quite equal to any here, but they are still in that historic land, whose fame is fragrant with the best acts and thoughts of human kind. Believe me, I am very proud of my Irish blood and birth and of the name I bear. So proud, indeed, that I would not, if I could, exchange them for all the precious freight which the “Mayflower” brought to our shores. But for all this I am an American in every pulse-beat and heart-throb — an American in grain and fibre, “only this, and nothing more.” What title other than this has the “Yankee” to the American name? Surely the mere accident of birth does not confer it. Hence I object to your designation as a misnomer.

III. You say I was “badgering” witnesses. Not so. No discreet and successful lawyer will do this. His discretion and success are proof to the contrary. Ask any juror before whom I have tried a case and he will tell you that I have been kind and courteous in my conduct, and plain and simple in my questions — so much so that it would be hard for a truthful witness, however dull, to go astray.

IV. You say I met my Waterloo, I did not. That event had its Wellington. Mine had none.

The judge came from Essex county, the Home of the Witch Burners. So much for the incident, or one of the incidents, alluded to.

Now, somebody has said here again and again that he would not bow down to me; that he cared no more for me than he did for anybody else coming in here; and I pray the gentleman to understand that I would not have him bow to me. Why should he? I do not desire him to care for me more than he does for others, and besides, I beg him to bear in

mind that sometimes it excites suspicion to have a man care too much for you.

The only thing I have is my good name, and I mean to keep it, for the greatest genius in English literature has written nothing truer than these few lines:

“The most precious treasure mortal times afford is spotless reputation.

“That away all else is glided loam or painted clay.”

I don't think, Mr. Chairman and gentlemen, that I intentionally sought during this investigation to wound anybody's feelings or to do a wrong to anybody. I think that my early training, my life, the sieges, battles, fortunes through which I have passed, should make me proof against that. If nothing else, one incident that came to me in early life would prevent me from doing an intentional wrong to anybody. In the palace of the Vatican, in the eternal city, long ago I knelt to the noblest man of our time and received his blessing, and I feel that I have been all the better for it since. I think it will guard me until I finally disappear from the eyes of men.

Why should you or I fear anybody? The noblest epitaph I ever read is the shortest. I think it is the finest known to Scottish earth, the epitaph of John Knox: “Here lies one who never feared the face of man.” That is the true legend. From that comes the inspiration of courage.

Now, then, to my case. What are the proofs? I take up the Charlestown Almshouse and I find there an old building that should have been torn down long ago, filled with the poor and helpless, absolutely a human hive. Upon inspection it is nothing but a fire-trap. Its sanitary condition is such as you would not have in your own homes. Its management cannot be good, although those in charge are doing the best they can. It is in the hands of a superintendent, a matron, a nurse, and a cook. I think Mr. Pillsbury said that another man was engaged recently; so if that be true, the entire number would be four.

Now, let me proceed with the evidence and by the evidence of the case. I do not propose to make any argument or give you any theories of mine, but I do propose to keep close to the evidence. I refer to the testimony of Mr. Prescott, perhaps one of the best witnesses in this case. In speaking of this institution he says on page 1721:

There was no proper nursing, there were no watchmen, no watchman at night, and there were many things which it seemed to me were necessary in order to bring the institutions up to a proper standard.

Q. What were the wages paid to the clerks at the institutions per month?

A. For the first year or so I think the pay of the clerk at Deer Island —

Well, I want to keep to the almshouse now. I want to see what he says about the almshouse.

Ald. HALL. — Whose evidence is that, Mr. Riley?

Mr. RILEY. — Charles J. Prescott. That is his testimony. I am now on page 1129, where, speaking of things in the same institution, Dr. Newell says:

Well, I went there at one time and found in the entryway between the sleeping-rooms on the second story, lying on a board across two wooden horses, the dead body of a woman. I was, of course, surprised, and I saw two of the inmates standing there, and I asked them why they stood about the body in that way, why they didn't keep away from it as long as it had to be there, and they told me that they took turns doing it, and had to in order to keep the rats off that dead body.

Then, later on on the same page, there is the following:

Q. Well, upon investigation did you find any danger of rats getting at the body?

A. Yes, sir; I had the statement of the patients that they did that, and then I ascertained the fact that the most unsanitary condition existed there in the presence of a swill dump which was backed right up against the fence of this institution, which never should have been allowed to stay there, and no attempt had been made to get rid of it. Of course, that was sure to breed a large number of rats, and the institution was infested with them.

The Grand Jury visited the institution in the summer of 1892. Mr. Pillsbury was on the stand the other night and he told you that things were in a good condition there, and when asked if the Grand Jury had visited the institution, he said no, not that he had heard. And yet when the report of the Grand Jury was read to him, he said that if the report was true — you remember the expression — “We,” meaning the Commissioners, “should be indicted.” Well, of course the report was true. What motive, what reason could the Grand Jury have for making a false report against the three Commissioners and bringing disgrace upon the city of Boston? They were acting in the performance of a public duty, and they were acting under the solemnity of an oath. You see they had no motive at all to tell anything but the truth, whereas the Commissioners have the motive, if the abuses exist, to suppress them or keep them from the light.

So I insist that the report of the Grand Jury is true, and it is shocking. We wonder when we read it if we are living in the latter part of the nineteenth century. There it is — right there under the shadow of Bunker Hill! And we have a representative of that district here; and looking at you, sir, I wonder that the blood does not mantle in your face, because if the Grand Jury has not lied, crime, abuse of the most offensive kind, has been allowed there. I can understand why it should escape notice in the institutions on the islands, because they are some distance away, but this is right there on the edge of our city.

Now, the issue is between the Commissioners on the one side and the Grand Jury, Dr. Newell, and Dr. Prescott on the other. And if the Grand Jury have not told the truth, pray tell me — and I press it home to you again, sir — why has not the superintendent of that institution been brought here? Ah! That superintendent, in my judgment, is an honest man, and doing the best he can, and they know on the other side, full well, that were he here he would tell the truth.

So much for that institution.

I now come to the Lunatic Hospital, and the only pleasant thing about that is that it has been abolished and we will not be troubled with it again. But the Commissioners say that they are not guilty of abuses, that there is no truth in the complaints brought here, and we are now seeking to determine whether there is or not. Let us see. In the Lunatic Hospital I find that assaults of the grossest kind have been committed, all through neglect and improper officering. On page 1106 the witness, Dr. Newell, says:

I found an attendant horribly maltreating an insane person. He had hold of him by the throat with one hand and was pounding him with the other hand.

That is, an attendant, a paid attendant at that hospital, had one of the poor insane inmates on the floor holding him with one hand and pounding him with the other.

On page 1145, speaking of the same institution, he says, when asked about the condition of the Lunatic Hospital:

A. Well, first what we all know, a terrible crowding together of the patients; but beyond that, a wholly improper officering and attendance for

the patients, a foul condition of the patients' clothing and bedding, absolutely, well, what was almost no care for some of them ; and they were crowded into buildings and kept months at a time without going out-doors, even in good weather ; that the food was not properly administered ; and the food was not good food, a large portion of it, that they did have.

Q. Now, in regard to the feeding of the insane patients, what did you find ?

A. Oh, well, these patients who couldn't feed themselves, I found one case in particular where a patient, who was violent and in a straight-jacket was having her food stuffed down her throat by another insane patient, who at times also was very violent. She was jamming a whole slice of bread into this patient's throat as fast as she could push it, and laughing over the matter. At that time I was accompanied by the assistant physician there. I asked him how such a thing as that could happen. He said it was unavoidable, because they didn't have nurses or help enough to attend to the patients properly, let alone feed them. Then I found that that system existed to such an extent, or that condition with patients who were totally unable to feed themselves and had to take to their beds, that they must practically starve to death. It couldn't be possible that they shouldn't. I found insane patients in advanced stages who would not be cognizant a great part of the time of what was going on about them, lying in their bed with a tin plate of sour-smelling beans, half of it running out into the bed-clothing and the rest in the dish, no attendance whatever, locked in the room with it in that way. A patient like that would starve to death in time.

Q. Did you observe that patients were being tortured in any way ?

A. Yes, sir ; I referred to an incident here once where Mr. Devlin and I were going through the hospital.

And I call Mr. Devlin's attention to it, because he knows whether it is false or true.

Mr. Devlin heard some cries and suggested that we had better go in that direction at once. The superintendent was taking us in an opposite direction. We insisted on being taken through that room, not going through the regular route of visiting, and we went in there and found an attendant kneeling on the chest of a young man, an idiot, clutching him by the throat with one hand and pounding him with the other, with closed fist, in the face. That patient was wholly irresponsible. I believe he had just touched a pane of glass, one put in recently, and broken it.

Q. Many of the patients, I suppose, were kept in straight-jackets, were they not ?

A. Yes, sir.

Q. That means that the body is really bound up ?

A. Yes, sir ; tied up in about this position, with a strong, heavy canvass jacket.

Q. So that a person does not have the use of his arms ?

A. No.

Q. What precaution was taken in such cases to secure them from the flies ?

A. Well, you mean in any insane institutions ?

Q. Did you observe any cases where they were tortured by flies ?

A. Yes, sir ; found patients there almost black with flies, suffering agony. They were unable to brush the flies off, and they were torturing them in that way.

Q. Well, what steps were taken to do away with torture like that ?

A. Well, the only steps taken were to discuss that, among other matters, and say it ought to be remedied, and an absolute refusal to interfere with it in any way.

Q. Was it remedied ?

A. No, sir. I think only the other day here they were putting in screens.

What a horror ! What a crime ! What an outrage on those struck down by the hand of the Almighty !

Now, in regard to the Marcella-street Home. I did not hear the tes-

timony of the superintendent yesterday, for I was not present, but I did hear the testimony of Mr. McCaffrey; and if Mr. McCaffrey speaks the truth there is no question but what that institution needs looking after, and quickly.

Does not Mr. McCaffrey speak the truth? An insinuation was made by counsel on the other side that he was only a policeman. Well, a policeman is a useful individual. He may be an honest man. Some of the police are honest, notwithstanding the New York investigation — and, by the way, all dishonesty is not in that city. We might look nearer home. Mr. Proctor says he does not tell the truth.

He slurs him because he is a police officer. Then he says he does not tell the truth. Now, I don't know that the calling of a police officer has anything infamous or wrong clustering about it. One of the representative sons of Massachusetts who went to his grave the other day, who had been governor, a general in the war, a member of Congress for many years, Speaker of the Lower House long ago, wound up his life by filling the office of United States marshal, and becoming a federal policeman. Was he any the less honored because of that?

But Brother Proctor says that McCaffrey cannot speak the truth for ten minutes. McCaffrey did not conceal his name or his story, but he came here, and after giving both he did not endeavor to conceal either when he left this court. Let us test our witnesses with the few witnesses given by the other side. Did you ever know McCaffrey to give a false name? Does he not hold recommendations from Mr. Galvin, Dr. Heath — although Dr. Heath's was not produced — and from everybody whom he has worked for? Let us contrast this one witness with a witness for the defence, a witness they prided themselves so much upon, a witness upon whom they relied so much. They produced a man named Flanders — I might as well speak of it now in passing — in order to give you testimony as to the quality of the goods supplied to the public institutions; the man, you remember, who dealt in "Congo" tea at ten and one-half cents a pound and molasses at ten cents a gallon, or two and one-half cents a quart, and stuff of that kind. Didn't he swear that his name was Flanders? Isn't his name Flanders? Didn't you see in the public prints the next morning that it was a Mr. John Filsbee who gave that testimony? And didn't your mind grasp the size and the honesty of the man in a minute and say at once, "Why, that fellow was so ashamed of his testimony, which was really drawn out of him by the Commission" — for you remember he said they tried to get him to put his story in writing, which he refused, and finally they drove him to the Mayor's office" — that man was so much ashamed of what he said and did that he sought the newspaper representatives and got them to conceal his name and put in his testimony under the name of John Filsbee.

Does the honest man do that or is it the act of a liar? Did this man McCaffrey, Brother Proctor, do that or seek to do that? I want you to consider that when you say that McCaffrey could not tell the truth for ten minutes consecutively.

How do our witnesses compare with yours so far as we have gone?

Now, I say if McCaffrey's testimony be true and Marcella-street Home needs investigating, looking after, — and I understand the superintendent admitted that the child's toes were touched by rats, but that they were only scratched — that the injury was slight, yet the child had to be taken to the hospital — and I never knew that an injury depended so much on the size as it did on the effect it produced — would you like your tender children reached in that way by rats? We all know that the wound of the good Mercutio was "neither as deep as a well nor as wide as a church door," but it did the business. It killed the man.

Now, so much for the Marcella-street Home — and I am not saying a word against its superintendent, for I know him and believe him to be

a most estimable man. I am glad that the representative from that district is here to listen to what has been said about it. But I must pass on.

I now come to Rainsford Island, and I will not be long there. I desire to call your attention to the condition of affairs in that place, because this is serious business. If it is true, it shocks the community, and if it is false, that fact should be known. On page 1094 I find this description, where the witness is speaking for the provision for confinement cases:

I am speaking now, particularly, of Rainsford Island, where, during my time most of the confinements, if not all, of them were. There was a very small, poorly lighted room without any proper arrangements for delivery of any kind.

Mark this graphic description of the way women in the most solemn condition that human beings can be placed in were treated:

There was a very small, poorly lighted room, without any proper arrangements for delivery of any kind. There was a straw mattress and an old bed in it, and a kerosene night-lamp, and there was no proper nursing and attendance.

That, everybody knows, was before Mr. Galvin's time. That could not exist, or anything like it, under his eyes. The man's heart is too large, his brain too comprehensive for that. Is it true or is it false? Again on page 1113:

At Rainsford Island, I think, for instance, I have said that there were 125 helpless old women without watch or attendance at night. If they were dying of thirst at night they would not be able to get a drink unless they got out of bed in the night and groped about and found it for themselves. If there was a case of sudden collapse there in the night nobody would know it but themselves, and one of the inmates might die like a dog or any other animal.

That was the general character of the attendance and night-watch.

Now, I had a reference to page 172, I think, but I haven't it now, so I will not stop. It was in reference to a clerk and watchman, both being promoted paupers and both being paid, one getting \$5, and the other, I think, \$10 a month. You remember that Dr. Prescott spoke of it in his testimony.

Is this what Boston pays for, what she requires, what her wisdom and humanity demand? Who will defend it except the culprits and a few venomous and slanderous lawyers who prostitute an honorable profession to sordid ends?

Gentlemen, is there any doubt as to the condition of Rainsford Island?

And now to the House of Correction. Did you notice when Brother Proctor reached the matter of the filthy clothing, how lightly he touched it with his tongue and how quickly he skipped away? In an institution receiving, as the Board of Visitors have told you, mostly young people, boys of tender years, and adults of both sexes, a place where a youngster committing a trivial offence without much intention to do so, but unfortunately breaking the law and being brought into court and fined, may, because he cannot pay his fine, stand committed — because the Courts often order that in a case of that kind — they take the filthy, vermined clothing — the clothing that probably would easily transmit contagious diseases — and instead of having decent or modern appliances for the treatment of such unwholesome and dreadful stuff they bring it into the kitchen where the food of some 600 inmates is cooked,

tie it in a bag, not even placing it in a tin vessel, and put it in the same ovens where the food of the prisoners is cooked.

Oh! day and night can such things be and not excite our especial wonder? How long would you fast, Mr. Chairman? How long would those within reach of my voice go without food, and especially such food as is supplied in that place, after seeing a sight like that? Is there another place in the civilized world where such a thing is done? Why, a savage chief, the inhabitant of a barbarous land, would not tolerate that; and I don't wonder Mr. Proctor skipped away from it.

But, bad as that is, the defiant way in which the Commission and the officers of the House of Correction have treated it is still worse. This investigation opened nine or ten months ago. The Commissioners could well say, because they cannot be expected to go over there and inspect things too closely—although they should, but they don't, for we have got to take the world as we find it; they cannot be expected to look after each small detail, and it might be true for them to say—I don't say it would be, but it might be,—“Well, we never knew it until this investigation disclosed it.” And they might have said

“Well, if the master said a steam drum should be supplied we would have furnished it at once, because it would only involve an expenditure of \$100 or \$200.” But nine or ten months have passed away and the same condition exists now. When we went over a few weeks ago to take testimony, the master, as you know, Mr. Chairman, came to you and the committee and said quietly in your ears, “Don't say anything about that, we admit it, we plead guilty, and don't make any contest.” And after the plea of guilty the thing is still going on. Is that to be tolerated by decent human beings? Bad as the thing is in and of itself, I say their defiance of common decency is worse. I cannot respect any man who allows it to go on, and I don't understand how you, my fellow-men can sit upon this Board and allow it to go on without entering their solemn and violent protest.

In ancient times Cato, whenever he arose, whether at a council of war or a wedding feast, would add to his utterance the sentence, “Cathage must be destroyed.” Because that was the first thing in his mind—and Carthage was destroyed. How can men sit here and allow that to go on? But, as I say, the worst of it is the open defiance that insists upon it still. I would like to see the report that will answer that and excuse it.

Well, there is something else in regard to the defiance of law. The law is said to be the accumulated wisdom of the ages. The Legislature of this Commonwealth represents the people, and the Legislature in its wisdom many years ago said that the old practice should change and that a locked letter-box should be kept in such institutions. All the other institutions covered by the law obeyed it—all but this one, and never have they put a locked letter-box there. When it was called to the attention of the Commissioners at the opening of this investigation they did nothing, and nothing has been done, and when we went over there the other day the same condition existed. We summoned the deputy over here. Colonel Whiton may pose as the head—and a good-looking head he is, and a fine, amiable gentleman. It would be hard to dislike Colonel Whiton, and I am not among the number who will ever try. But the deputy is the executive officer and the real manager. We know that. And when he was pressed again and again to answer the question as to why there had been this solemn, audacious, defiant, and persistent violation of a law of our Commonwealth, why they set themselves above the law, by what power they undertook to do it, he said, “Oh, we regard our system as better.”—“How better?” “Well, if the prisoner wants to make a complaint he tells an officer and the officer tells the master, and the master, if the prisoner can write, gives him pen, paper, and an envelope, and then he takes the letter and

sends it to its destination.”—“But,” I said, “passing now for a minute from your setting yourself above the law—which, to my mind, is a great crime on the part of anybody, it is defying and breaking the law that fills such institutions, stealing a loaf of bread when one is hungry, in a moment of temper striking somebody; it is breaking the law that peoples these institutions, and if its bad for the citizen in private life to break the law how much worse for an official to break the law? Passing from that, I said, “How do we know, how does the prisoner know, that the letter gets to its destination?” And then his eyes sparkled and he threw his head back and an expression shone from his face which I read as easily as I read print, and which said this: “I have you now.” And so he put this question to me: “Supposing there was a letter-box there, supposing there was, then,” said he, “who would keep the key?” Well, I understood it at once. I knew the defect in the law. That is the defect of the law. The law provides that the master shall keep the key, and of course, if the master is inclined to interfere with the letters he can do so, because he keeps the key. And so the deputy said, “Why keep the key?”

What was the meaning of that? It came to him as if by inspiration. He couldn’t keep the dishonesty of the thing in. He couldn’t help letting it out, and it gives the key to the whole thing. It was this—“Why, if you had a letter-box there, if we didn’t want them to go we wouldn’t let them go.” That is it exactly. So that, as the deputy and the master reason it, the prisoner is just as safe now as he would be then, because if they didn’t want to send the letters, they wouldn’t go—they keep the key.

Oh, wise and profound deputy, I thank thee for those words! I shall never forget them.

Now, in regard to breaking the law. I desire to call your attention to a certain statement on page 2154. We are now dealing with the testimony of a witness, Mr. Cutter, who had been an inmate there. You remember Cutter’s story and you remember his transfers from place to place until he was finally discharged from the State farm by Mr. Blackstone, the superintendent. Now, although up to that time and, indeed, up to this time, the master of the House of Correction has been as dumb as if he were an Egyptian mummy put away and preserved four thousand years ago, yet if anything could open or should open his lips this certainly ought to do so. An official of this Commonwealth, a man well-known, a man of honesty, honor, and integrity, a man whose judgment is good,—Mr. Blackstone, the superintendent there, writes this letter to Mr. Cutter:

DEAR SIR: I was glad to hear from you, and that you had landed in full freedom again. I suspected Colonel Whiton might be a trifle peevish about it, as I had to address him the second time in the matter to impress him with the provisions of the law. The law was clear and explicit, and he could hardly evade its commands.

If the master be here I ask him respectfully, is this true? If it is, silence is the best admission. If it be untrue, why don’t you contradict it? Of course it is true. Silence was taken for confession long before Daniel Webster spoke the words: “Silence will be taken for confession until the last trump is sounded.”

Now, to a more serious matter, if that can be, because here we are dealing with life and all that life holds dear. We have in this Commonwealth, Commissioners of Prisons. It is needless to speak of the make-up of the Commission, needless to refer to its intelligent and honest work, needless to suggest that that Commission would be the last to carp or find fault with any institutions or any official who are trying to do their duty, even if they go a little astray at times. In its report of 1893 it called attention to the dreadful increase in insanity in

our House of Correction. It showed by its figures that in all the prisons of this State we had between 6,000 and 7,000 prisoners, including the State Prison, holding the most hardened offenders. It showed that in 1893 the total number of insane cases coming from all the prisons was eighty-nine, that in that same year the number coming from the Suffolk House of Correction was twenty-five — nearly one-third of the whole number — and it asked the reason why. It was appalled, it wondered.

And then we come down to the figures in the House of Correction. In that year the average number of prisoners was only 571, as I remember the figures. Dr. Jelly, when he was on the stand, was asked how he accounted for it, and you remember how counsel tried to gloss it over, how the doctors tried to gloss it over, how Dr. Jelly treated it, and, indeed, you cannot forget the number of explanations given, because those explanations were frequently the sort of explanations that never explain but always confuse, "make confusion worse confounded." Dr. Jelly said that there was an increase in insanity that year — "insanity is increasing all over the world." — "Well, perhaps you are right, doctor," said I. And then again he added, "You know the field that our House of Correction has to glean from. They are people who go there after leading a hard, irregular, bad life, wearing on mind and body, and when they reach there they are pretty thoroughly used up, and as they come from this section of the State, covering a large city, you must expect to find more cases of insanity, and you may account for it in that way." — "But," I said, "here is a House of Correction across the river, only a mile away, in East Cambridge, and doesn't that glean from precisely the same field?" Said he, "Yes, just the same field." — "Well," said I, "that House of Correction in the same year had nearly 500 patients and it turned out but six cases of insanity. How do you account for it?" — "Can't do it," said he. — "Well, if drinking, irregular living, and becoming thoroughly used up debilitates mind and body, and you know it does, and if that also accounts for the increase of insanity, how do you account for the fact that Deer Island, with its 1,100 prisoners, most of them drunkards, most of them thoroughly used up, even worse than at the House of Correction, has hardly any insane cases at all?" "Can't do it." No; nor does the man live who can do it on any theories given here. But we can do it, you can do it, in the light of this testimony.

Mr. Proctor said, by the way — and let me pay my tribute to him for that — in his genial, pleasant manner, as much as to say, "Well, if a man is driven crazy what of it? it doesn't amount to anything," — Mr. Proctor said, "Oh, insanity is only an accident, anyway." Ah, death itself is only an accident. Of course it is only an accident, but how serious an accident it is! How would you like to meet with it, Brother Proctor? How would you like to have it in the family? How would the Aldermen like to be afflicted with it? No, no, no! When insanity comes let it come from the Hand that rules the universe. Do not, do not let it come from our hands. Kill a man, if you will. Death is better than the living death produced by the loss of reason.

Now, then, we know how it came about — from the solitary cells, the punishment of the insane, running people in there, young fellows some of them old, for trivial errors — as, for instance, those shown by the punishment book, "Gazing about the shop while at work," for such trivial offences giving those poor fellows three days and nights in solitary on bread and water.

It was said by the other side that they had to use the cells given them, that they didn't have any others. Very true. That they had to feed them on bread and water, because that is what the law prescribes. Very true. Bread and water is prescribed by the law, prescribed for prisoners put in solitary; but does the law prescribe brutality, abuse?

Does the law prescribe punishment for a man when he doesn't do anything to deserve it? Did you listen to the significant statement made by Dr. Morris Richardson, a man with a large head and equally large heart? "Men should be put in solitary for punishment, not for abuse." Dr. Bancroft didn't say that, Dr. Jelly did not. They would not, but Dr. Richardson did.

Well, the law says bread and water, but will anybody show me the law that says a pint of water and five ounces of bread every twenty-four hours? I said, "What do you say to that, Dr. Richardson?" — "Oh," said he, shaking his head, "that wouldn't be enough to sustain life. Oh, no, that wouldn't be enough — a pint of water and five ounces of bread. No, no, not that." Yet that has been the treatment, that is the treatment. No, the law does not seek to confine the master to any number of ounces of bread. The law says they shall have enough bread and water to sustain life, and more — to prevent body and mind being injured.

Does the law say they shall be locked up in foul and filthy cells where human life can hardly be sustained? Never a word about that. Does the law say that when they are placed there they shall be kept there in filth? The law, on the contrary, says the prisoners shall have plenty of clean water and shall have clean towels. Pray point out to me a section of the law which says a prisoner placed in solitary shall be deprived of the right to wash, the right to change his clothing, the right of proper towelling, and shall be reduced to a state of filth in our prisons. Never was there a law providing for that, and never will there be in a civilized community. And if the master thinks that that constitutes the law, the only thing I can say to him is, that that would simply show that he is unfit for his place, because that is not the law.

Now, how are the insane punished? The punishment there has been frightful — some have been kept there more than twenty days, some have been kept there for ten days at a time. They have said, of course, that they are taken out and then returned to the cell or to a similar cell — taken out for ten or fifteen minutes, perhaps not so long, and then put in another cell. That is not the change the law calls for.

It has been said by the doctors, especially Dr. Bancroft, that no doctor could help punishing the insane, because you cannot always tell when a man is insane. He was then being interrogated in regard to the very sad case of Con Quinlan. He was obliged, it seems, to send to the Commissioners a report of the insane turned out in one year or a little more, and reported twenty-four of them, and he gave a description with each name, and, in order to prove to the Commissioners that the parties were really insane when they entered the institution, he gave the symptoms. I will test him by just one symptom, because it is needless to wade through all. He described one fellow as having "a flat skull," as much as to say that anybody could see by looking at the formation of his head that he was an idiot. And when we got to the punishment book we found they had put that man in solitary and kept him there I don't know how long, just as they put Con Quinlan in, just as they treated Murphy, just as they treated Sullivan. And yet when the outcry is made about the number of insane that are being turned out they turn around and lie and say that the Reformatory and State Prison have unloaded those insane people and that they have been sent there. My contradiction of that is two-fold: first, the Prison Commissioners deny it, through as honorable a man as Mr. Pettigrove. They say that there is not a word of truth in it. And next, if the men were insane when they entered the institution by what right did the officials punish them? Why did they undertake to treat insane people in that way?

No, Mr. Chairman, they were not insane when they entered the institution, but they were made insane soon after they got there. Such a personification of ideality in mental and physical health as you are, Mr.

Chairman, would become insane very quickly if you had to undergo any such treatment as that.

And we don't know what may happen to us. We never mean to go there, but we don't know what the future may unroll for us. There is a world of wisdom in the saying of the poor mad girl in the play, the simple, insane Ophelia, driven crazy by the loss of brother and father and all that earth holds dear—the loss of lover, too, and such a lover! “Ah! we know what we are, but we know not what we may be!” There is a world of wisdom there.

Well, they say that the House of Correction is properly officered and that it is thoroughly well taken care of, having the most competent medical attention. Is it? Was that statement made in good faith? Could it be made in good faith by a sensible, full grown man? Dr. Bancroft says he is there every day for two hours for 365 days in the year; and while he has to charge even poor patients a couple a dollars a visit, and the visits not covering very much time, yet all he gets from the Commissioners is the munificent salary of \$500 a year, or just a little less than \$10 a week. Can anybody tell you or tell me that the Commissioners are dealing properly and justly by these poor inmates and by the citizens of Boston when they undertake to run such an institution upon a medical attendance costing only \$500 a year? I say that it is entirely insufficient, entirely inadequate, that it is a disgrace to our city and an outrage upon the inmates of the institutions, and the sooner it is remedied the better. There should be a resident physician there, no matter what it costs. The citizens are willing to pay for it. They are taxed and they are willing to pay their taxes, no matter how much they may be.

Then, again, in regard to the manner in which the medical treatment goes on. Did you witness the spectacle Dr. Bancroft made when he was obliged to confess that he knew nothing about the prison rules made by the present Commission of the State for the government of that institution and similar ones in regard to medical matters? Did you witness the spectacle he presented when he said he did not keep the medical book prescribed by those rules? That he did not enter the solitary cells of the prisoners unless the prisoners inside made a noise which indicated that they were alive and desired to see him?

The whole thing is wrong and it is outrageous.

Now, another violation of law. Do you remember the monkey-wrench — or, rather, will you ever forget it? In a Christian community, where it is our proud boast that beside the church spire stands the school, the executive officer of that institution, notwithstanding all the underlings he has at his command, carries a deadly weapon. And, by his own confession, has carried it for twelve years. For what purpose? Dr. Bancroft, you know, had testified that he dressed at least two badly cut heads, heads cut by that wrench in assaults made by the deputy, and the deputy himself was compelled to the admission that he had used it again and again; and you will never probably forget his reply when pressed hard as to why he used it — a great, large, athletic man, one dealt very lavishly with by good Mother Nature, powerful, healthy, weighing more than 300 pounds. He said that he used it — well, he used it for two purposes, the main purpose being that if in going about the institution he saw a gas jet out of order or a screw loose he would fasten it or make repairs. “Haven't you an engineer for that purpose?” — “Oh, yes, but didn't want to call him all the time, you know — a very handy weapon, a very handy instrument.” — “But don't you use it on human heads?” — “Not except in self-defence, when called for.” — “But why don't you use something else? For instance, why don't you use your fist?” And here again the nature of the man came out just as easily as the wind blowing the straw shows the direction in which it is bound —

"Why," said he, "do you suppose if I have to strike a prisoner I am going to break the skin of my knuckles?" When Dr. Richardson was on the stand, I said later on, "Doctor, what do you think of using a weapon like that upon the human head?" And the intelligent and honest man spoke out and said, "I should think the rate of mortality would be large." Used it to fasten up screws! He used it on human heads, and I am afraid he has broken many a head that we have never heard of.

Now, can you tell me whether the law sanctions that or not? Don't you know it does not? Can you justify the carrying of such a weapon and its use in that way? It seems to me there is not another institution on this continent where it would be allowed. I cannot understand the patience of the people in tolerating it.

Well, what next? Mr. Young has been spoken of — Orin Young, the officer who fired at Martin Flaherty, and fired to kill. Let us have no mistake about this; let us "speak by the card, else equivocation may undo us." I refer to page 2330, and I am dealing now with the testimony of this Orin Young. I asked him how long he had been in the shop before he fired, and he said, "Maybe five minutes."

Q. When you fired, of course you meant to kill?

A. I fired with that intention; yes, sir.

Q. You fired intending to kill Flaherty?

A. Yes.

All the explanations and excuses from now until the day of doom cannot wipe this admission out. He answered truly that he fired to kill. And who was it who in that solemn hour made himself the supreme judge of life and death in this intellectual city, the Athens of our continent? "A competent, a trained officer," says Brother Proctor. There is not a word of truth in that simple sentence, and you know it — but a young, untrained countryman, coming here from the wilds of Maine, passing a few months, as you will see by reading this testimony, as a conductor or driver on a horse-car, and then, through the influence of friends getting this position. "Now, Mr. Young, did you ever use fire-arms before you reached the institution?"—"Never."—"Did anybody give you any training or any tuition in their use?"—"Never." "So that they were new to you?"—"Yes."—"Why did you carry them?"—"Why, I thought it was safer to do that."

And so this man, untrained in the use of arms, unused to our city ways, thinking it was a brave thing to kill a prisoner and perhaps get promotion — this man drew a deadly weapon and did the vilest, meanest, most brutal thing that mortal can do — he fired with intent to take away, to quench, the vital spark.

Do you realize what that means — the deliberate intent to kill? I see before me many who have enjoyed the superb presentations, the intellectual treats on Henry Irving and Ellen Terry. Among their productions is one known as the "Lyon's Mail" which deals with an historic incident. There are two men in France who so closely resemble each other—a gentleman and a murderer—that after one of the murderer's victims had fallen, the gentleman being close to the spot, by the environment of circumstances was accused of the crime, could not prove his innocence and was executed. Afterwards the real murderer was discovered, because he committed another murder, and his whole career was then given to the public. They found that they had sent an honorable citizen of the nation to his death, and so they raised a monument to his memory. It stands there to-day, plain for all folk to see. France could do that, but one thing it could not do. It had quenched a vital spark, and neither man nor nation can ever rekindle that.

This countryman fired to kill. They say he was being attacked. A

lie! a palpable lie! We listened to the testimony of the prisoners in the House of Correction. Who shall tell me that because a man is in prison he cannot and will not tell the truth? You remember, Mr. Chairman, some time ago, a leading citizen of Boston, a man who would not do a wrong for anything, chivalrous and high-toned, happened in a railway train to have his seat crowded by another passenger, who turned out to be a judge of one of our courts, now deceased, and a very good, peaceable man. He asked the man to turn aside, the judge, not knowing him. The judge did not, and one word followed another, until he tweaked the judge's nose. He was brought to court and got three months in prison. A petition was sent even up to the Supreme bench for his pardon and he was not pardoned.

Shall you tell me that that man because he was imprisoned could not tell the truth? The whole thing is absurd. A liar is a liar in the Board of Aldermen, in the White House, or on the bench, if he be a natural liar; and the honest, truthful man, is honest and truthful whether on an emperor's throne or in a felon's cell.

We know by watching a man and listening to him whether he is telling the truth or not, and if human testimony be good for anything, prisoner after prisoner told you, when being examined, how the Martin Flaherty episode began, how it continued, how it ended, and who was to blame. The truth of it is just this, that this countryman, when he fired at Flaherty fired for the second time. While in the yard he saw a youngster running across, and deliberately fired at him and did not hit him, and Flaherty happened to be looking out the window and saw it, and said to this officer when he came in, "You are a cur to fire at a youngster like that," and immediately he fired at Flaherty, meaning to kill him. The bullet struck him in the mouth, and it was only the interposition of our Heavenly Father that saved Flaherty's life and gave him a longer day. Anybody who chooses to eulogize that officer is welcome to do so.

Now we come to the hospital. Do you remember what Dr. Jelly said—and he certainly did not want to criticise the institution and did not want to do anything that would cause any trouble over there or cause any trouble to the Commissioners. He is an honorable man. He would not do wrong anyway, but he is in the public employ and a great deal of his business comes from the institutions. That we know. I said, "Doctor, what of the hospital over there? What do you say of that?" This was after he had been excusing things here, the cells, the ventilation, the treatment of the prisoners in solitary. "What do you say of the hospital?" Then the man became indignant. He was a doctor and he knew. He had reached the stage of certainty and escaped from that of uncertainty. Mark his significant words—"It is a disgrace to our city and to our civilization." And then my next question was, "Doctor, if it were destroyed by the hand of God wouldn't it be a blessing?"—"It would."

Tell me, why should that thing be allowed to exist longer, with no proper treatment for the sick, the infirm, the wounded, and the dying, except to put them in cells a little larger than the other cells? And that in our modern Athens.

Well, what about the cells? Mr. Witham was here, and after listening to all his excuses, I said, "Now, what about the cells?" He had been saying that the prison was as good as they could get, and that they were not responsible for it, all of which was true. "What about the cells?"—"Well," said he, "we use the cells we get."—"That won't do," said I, "what do you think of them?"—"Oh, they might be improved."—"Not at all," I said, "what is your judgment?" and after many minutes pressing he said, "Well, they are unfit for human habitation."

That is the testimony of the executive officer, a man of more than a

score of years' experience in that and other prisons. And yet those men, led by the master, are thrusting youths of tender years, boys taken for the first time from home, friends, and parents, and all that life holds dear, torn from home for perhaps but a few months for some trivial offence — they are punishing them in cells of that sort for gazing about the shop, for looking insolently at an officer. The officer says to them, "I will take the toughness out of you," and the boy says, "I am not tough, you leave me alone," and then he is rammed into one of these cells, and in three days he is taken out for a bath. You remember the description the prisoners gave of the baths — twenty-five baths, I think, in about twenty minutes, where they were taken to the tubs and thrust in, their feet barely wet and pulled out again, the whole process occupying but two or three minutes, and then pushed back into the same cell or another one like it. The result is, that in nine or ten days — because they are kept there that length of time — if the poor boy yells, and it is human nature to make a noise, he is punished and gets three days more. Then if he complains he gets three days more. The final result is that when his friends see him the frame is there, but the mind, the immortal, the valuable part, has gone elsewhere. He is not dead, but he is bound for our insane asylums. That accounts for the increase in insanity; that accounts for the peopling of the insane asylums.

Now, if the cells are as Mr. William says they are — and it is gospel truth — should he not be careful in imprisoning human beings there, especially those of tender years and those who are imprisoned for the first time, and for the most trivial offences? Look at the punishments as shown by the book — gazing about the shop, three days in solitary, with a pint of water and five ounces of bread daily. Dr. Richardson says the human body throws off about a pint and a half of water every four and twenty hours, and you see that is about two-thirds more than is taken in. Of course the effect is not only bodily, but mentally, and insanity immediately comes on, especially with those who are predisposed to insanity. Thousands of people walk our streets to-day and will until their careers are ended without becoming insane. Yet there may be the taint there, but with great care there isn't any danger. I desire, as I am now reminded of it by my notes, to call your attention to Dr. Richardson's testimony where he said twice that a pint of water is not enough; that five ounces of bread are not enough; it is not enough to sustain human life; a man should have enough to keep him along without injuring body and brain.

In regard to the building, of course it is true that the building is an old one, put up more than two generations ago. The Commissioners labor under the delusion that it will require at least \$1,000,000 to put up a new building. I am now speaking upon a subject upon which I think you should not only feel kindly, but should act, and act at once, no matter what it costs. The law has been violated by this Board of Aldermen, and it has been violated by the predecessors of this Board of Aldermen for a generation. The Public Statutes have provided for years and years that it is the duty of the Board of Aldermen to supply a suitable House of Correction. You know that this is not a suitable House of Correction. Your predecessors also knew that. The duty is upon you, and you are breaking the law if you fail to perform it, and to supply such a suitable institution.

But you are prevented, probably by the theories of the Commissioners. They say it will take one million dollars. I deny it. Out upon this entire system of putting up costly and expensive buildings! The buildings are very few that should be put up to last more than one or two generations, because there are changes, and radical changes, made as new discoveries present themselves in all buildings used for school-houses, for jails, for prisons, for purposes of that kind. For instance, the school-house of to-day differs radically from the school-house built

thirty or forty years ago. The prison of to-day differs more than radically from that built half a century ago. If you doubt it step over to East Cambridge and see what a superb institution they have there.

But those institutions should not be put up to last more than a generation, and I will tell you why. In looking through the House of Correction the other day, a building which has been erected for more than three-quarters of a century, the walls would indicate that it was built to last for a couple of centuries to come. When it was erected too much money was spent upon it. That is evident. Outside of art museums, public libraries, and churches, which are necessarily and properly built with a view to last and to defy the ages, buildings should not be put up with a view to last more than a generation or a generation and a half. I can well understand why Westminster Abbey was built as it is, — and that is more than seven centuries old. I can well understand why the great church of Notre Dame was built as it is — and that is very much more than seven centuries old. I think Clovis laid the corner stone and Charlemagne, more than seven centuries ago, completed it. You see that in those days not only was the purpose for which it was built kept in view, but the printer's art had not been discovered, and every arch, line, stone and spire in a building like Notre Dame or Westminster Abbey tells a tale, relates a history. Until the fourteenth century the history of the world was written in stone, and that is why we have those great buildings.

Now, for two hundred thousand dollars — I don't think you need go beyond — you can put up just as good a building as they have in East Cambridge, and a building that will be entirely inadequate and will answer all purposes for the next generation, and then, owing to new improvements, they will want another.

At all events, whatever else this investigation may do, if it does nothing more than to get a new House of Correction it will have done considerable.

There should be no question as to a new building.

Now, in regard to the brutality. I desire to call your attention to the case of Sullivan, who was driven insane; to the case of Davis; the case of the negro boy who was driven insane, who had been transferred from the reformatory; to the case of Murphy, and also the case of the suicide. I desire also to refer to the case of the Foley boy. You remember his aunt upon the stand and the description she gave of his condition at the time he was in the institution, how he went there a vigorous, healthy boy, and how soon he was transferred to the insane asylum.

I also wish to call your attention to some of the evidence in reference to the profanity indulged in by the officers of that place. On page 2157 the witness Cutter testified as follows:

Q. Have you heard any of the officers indulge in profanity?

A. Yes, sir.

Q. You have heard them cursing and swearing?

A. I have.

Q. How often?

A. Well, whenever they would get angry.

Q. Well, swearing at the prisoners?

A. Yes, sir.

Q. In the presence and hearing of other prisoners?

A. Yes, sir.

And then in regard to drinking:

Q. And have you seen any indications of drink upon any of the officers?

A. I have, sir.

Q. Often?

A. Yes, sir.

Q. Can you name any of the officers?

A. Yes, sir.

Q. Will you?

A. Yes, sir.

Q. Who?

A. Lawrence Fallon, who has charge of the shop in which I worked thirty-one months. I think he was intoxicated after every pay-day.

And in regard to the condition of the cells:

Q. In regard to the cells, will you state whether you found any vermin in the cells there, or what their condition was?

A. Yes, sir; many of the cells were full of bedbugs.

Q. Are they fit for any human being to inhabit?

A. I don't think they are.

Q. And in regard to the odor coming from the buckets, what do you say?

A. I say it is not fit for any human being to be in, because the officers will not ventilate the prison as they ought to.

And so it goes on.

This brings me to the witness Merrill, spoken of by Mr. Proctor. He uses that testimony to show how well the institution is conducted and how fairly well the prisoners are treated. I am glad to have my attention called to this witness. You remember the incident. We were examining prisoners, and I was giving their names and getting them as I could. I called for John O'Brien. Now, "O'Brien" doesn't sound like "Merrill," does it? And no ordinary ear would so take it. When the prisoner was brought in he gave his name as "Merrill." I looked at him and began to wonder what should change "O'Brien" into "Merrill." He spoke and gave a story which would indicate that the House of Correction was a far preferable place to any ordinary home, that he didn't know why he was there, because he was an innocent man, although he had been charged with embezzlement, getting considerable money — yet he did not cheat anybody, and why anybody should imprison him he didn't know. I began to think the man was a little demented, and I said, "Is your name John O'Brien?"—"No."—"Have you ever been called John O'Brien?" He said no, that he had never been called by that name. "They knew your name?"—"Yes."—"You haven't any alias?"—"No."—"What evil genius sent you here?" Then somebody spoke up and said that the witness' name was mentioned and he was sent for. I did not send for him. Somebody else may have done so, but I did not do it and did not know anything about the man.

So, by unfair means they got in the testimony of this man Merrill and did not give me O'Brien at that time. At another time one of the Aldermen called another prisoner whose name I will not mention, because the man was very sorry for being there. He had never been in prison before, and doubtless will never get there again, if he can help it. But, suffice it to say, he was a very intelligent man and looked and acted like anything but a criminal. He had held a responsible position in one of our city clubs, and because a lot of the money intrusted to him was missing, he was indicted, brought to court, found guilty and sentenced to two years in the House of Correction. I said to him without wounding his feelings, "How long have you been here?" I did not know anything about the case up to that time. He said, "Just one month."—"How many months have you got to serve?"—"Twenty-three months."—"You have never been in prison before?"—"No."—"You are sorry?"—"Yes."—"And you want to make your imprisonment as easy as you can?"—"Certainly." He testified that the coffee was good, the meats were good, and then the Alderman asked him the question if he had not been the steward of a club. He said he had. That question was asked for the purpose of showing that he knew what he was talking about.

Now, you see how little that testimony amounts to. You see that it has no value at all, because there was a man who had been there but a month, who had unfortunately twenty-three months before him, and of course if he had uttered a single complaint against the officers of the institution life for him would become unbearable. He knew better. And this man had not been there long enough to know anything about it.

That shows you how hard pressed people may be sometimes for witnesses, for testimony.

As time is slipping away, I will spend no more time upon the House of Correction. If you are not now of the opinion that a radical change should be made in the management of that institution, that the old building should be razed to the ground and a new one put up, no matter what it may cost, then it will be useless to appeal to you or your successors hereafter. The public will have to go elsewhere. When public opinion is once put in motion it is, as O'Connell said, "As strong, indeed stronger than the forces of Niagara." I hope, gentlemen, you will not wait for that.

As to Deer Island, something has been said about the discipline, but all the world knows that the discipline in that institution was all right until Colonel Whiton left there; that from that time until up to the time Dr. Newell was removed, the discipline ceased to be good; that it was bad. It certainly was very bad from the middle of 1891. Now, they say that the institution is all right, that the discipline is good to-day and has been good since Dr. Newell left; and yet they make that statement, gentlemen, in the face and eyes of the fact that months and months after Dr. Newell left a serious riot broke out and the Boston police had to be called down there.

I wonder what credit they give you for intelligence. If the discipline has been good since Dr. Newell left, and he was the cause of trouble, will somebody explain the riots that have taken place since then? And you know how serious a riot must be when the prison officers cannot suppress it, and when the police force is called in, because it is only as a last resort that the police are called upon.

Of course, gentlemen, there is nothing in that.

I now come to the immorality, because we have made serious charges against this institution. The immorality charged — is it true? Was not Brother Proctor present in the executive session when Mr. Upton, a former deputy, was examined and when the testimony that he had to give in that respect was unfit for public ears, and the model which he produced was unfit for public eyes? Was not that in reference to the conduct of an officer in that institution, and his bearing towards one of the matrons? Can you conceive of grosser indecency, a worse exhibition of immorality than that graphically described by Mr. Upton in executive session, when he placed the model on the table? And do you remember the legend that that vile officer put upon the model — "Use this"? Why, if that occurred anywhere else you would say that the whole thing should be cleaned out, if you will pardon me for using that expression.

Well, do you remember what Mr. Upton said about another officer — you will find the officer's name in the printed testimony. "The chaplain," said he, "complained to me about this officer." The chaplain is there yet — undoubtedly a truthful man. Do you think a chaplain, who is trusted and who keeps that position, would have made a complaint to Mr. Upton about another officer quite as high as Mr. Upton, to put it mildly, if there was no truth in it? And do you think that if that testimony of Mr. Upton's was untrue the chaplain would not have been called here and put upon the stand?

Gentlemen, are they dealing with children or are they dealing with intelligent men?

Before I pass from the charge of indecency let me call your attention to a little more testimony. On page 1682 I find this:

Q. Did you at any time report an officer to the superintendent, charging that he had been guilty of indecent conduct?

A. I did, sir.

Q. Who was it?

A. His name was Adams.

Q. What was done?

A. Nothing.

O. What was the indecency?

A. An indecent exposure.

Q. Of his person?

A. Yes, sir.

Q. Did he remain there afterwards?

A. He remained for several months.

Q. Do you know why he was kept after the charge was made — I call it a charge?

A. I couldn't tell you, sir.

Q. Well, what did the superintendent say?

A. He didn't say anything after I reported, and I never heard anything about it afterwards.

Again, on page 1715, you will remember this testimony: "I wish also to call attention to another fact here, that Officer Quinn with his knife" — I will not read it, now that I see what it is. I simply call your attention to it in order to corroborate the testimony given by Mr. Upton in executive session. I should commit a very serious offence if I sullied my lips or offended the ears of this audience with this testimony. I simply ask you to look at it, and then you will see that it in every way corroborates the testimony given in executive session.

Still again, on page 1145:

A. Well, I found that in one particular instance there had been a rather scandalous state of affairs in relation to one of the officers in the institution, that complaint of that had been made to the superintendent by the deputy superintendent, and that practically no action whatever was taken in the matter.

Q. What was the complaint?

A. That this officer had been in improper relations with two of the matrons in the institution, and that they had ascertained the duplicity of the thing and made a great trouble and row about it and caused a lot of scandal and talk in the institution among the officers.

Q. These two matrons complained of this man?

A. Yes, sir; quarrelled over the affair and made what he expressed as a certain kind of row.

Q. One of the matrons, I suppose, started it when she ascertained that the other was a rival, is that it?

A. Yes, sir.

And on page 1627 I find — undoubtedly the witness is referring to the same thing, and one of the Aldermen drew it out very adroitly — the following:

Q. (By Ald LOMASNEY.) Well, what was it? What did you hear about it?

A. Well, it was in regard to some business in connection with them and an officer.

Q. Well, what business?

A. Well, I don't know.

Q. What kind of business?

A. Well, I heard it termed "jealousy" — that is all I know.

Q. Jealousy between two female prisoners over an officer?

A. Yes, sir.

Q. What was the jealousy?

A. It is more than I know.

- Q. Well, what did you hear ?
 A. I didn't hear.
 Q. He was more familiar with one of them than he was with the other ?
 A. Well, perhaps one of them thought so.
 Q. And she broke the other one's nose — is that right ?
 A. Well, that is what they claimed the fight was over, I believe.
 Q. The officer is there now, is he ?
 A. I think so.
 Q. What is his name ?
 A. Averill.

And by and by we will come to the incident where this same Averill deliberately fired his revolver twice at a crowd of ten or twelve boys in the House of Reformation, but fortunately did not kill any of them, the bullets striking the casement.

Now, in regard to brutality. Do you remember the incident — and this brings me to Dr. Cogswell, for Dr. Cogswell was then at Deer Island — of the woman who was handcuffed all night, and the graphic description given of the matter by some of the witnesses? It seems that this woman was addicted to the morphine habit, was almost crazy from its use, and was brought for treatment to the hospital. The doctor was not in attendance, and she was kept there waiting for three hours in that dreadful state before any doctor came. When the doctor came she was wild and attempted to make some assault upon him, and so he had her handcuffed — that is, one hand was handcuffed to one foot and the other hand to the other foot. That, of course, bent the woman's body double, and in that way, like a bundle of inanimate matter, she was hurled into a cell and left there over night. It was only her dreadful groans and sufferings that attracted the attention, I think, of Mr. Upton in the morning and he took her out. You remember the testimony — that her wrists and her ankles were so swollen that it was hard to get the irons off. I forget whether he said the place was somewhat torn in the attempt to get them off. Then the doctor ordered her into solitary confinement, and she was placed in solitary for three days and three nights. If there be anything worse or more brutal than that I have yet to hear of it. Well, it doesn't stop there. Dr. Cogswell has been on the stand, and you have heard not so much what he said as what he read, and from beginning to end never a word, as I remember it, has been uttered by him in contradiction or denial of this dreadful incident at Deer Island. I take it to be true, because if it were false the doctor would be only too glad to deny it; and if it be true, why the best thing you can say about him is that he has sense enough to keep silent.

Then in regard to another woman treated by another doctor down there — and I dislike to mention names, and should not have mentioned Dr. Cogswell's name were it not for the fact that he went upon the stand and spoke about the other institution under his control and said nothing about this, as I remember it. Here is the case of another woman put in solitary by another doctor. The doctor is down there yet, still holds his place, and they say he is a competent physician and fills it well. I am not prepared to deny it, because I have not been down there and do not desire to do anybody any wrong. So careful have I been in this respect that I am probably the only one of the counsel who did not make an opening argument. I know, too, that there is a danger in it, that the lawyer who makes an opening may very easily assert more than he can prove, and may in that way do some people an injury. A closing argument is always more or less critical, but an opening argument may be fatal — as, for instance, witness the incident of Mr. Reed and Mrs. Lincoln, the way in which poor Mrs. Lincoln was treated, unjustly and falsely, but intentionally so, by Mr. Reed, in regard to the two women on the boat. There is always very much danger in making an opening, and so I did

not make any opening. But in regard to the act of the other doctor, which I have referred to, the evidence in regard to which rests upon the sworn statement of many witnesses, I will simply say that another woman was put in solitary for ten and one-half days and kept there until by the testimony of Mr. Upton and others he was compelled to let her out. And this woman was insane, so they say, and when she got out she went to the office of the Commissioners on Beacon street and showed them her condition, made her complaint, and then produced a large wad of hair which she exhibited to them and said that the doctor had torn it out from her head.

Now, then, that statement is true or it is false. Several of the witnesses have sworn to it; not a human voice has been heard in denial. The doctor has been here day after day, is probably here now, and he has not sought to contradict it. Silence again.

Of course, it is asking too much from us to ask us to say that it is untrue. Then, again, if that woman was insane the doctor had no business to punish her. By what right does anybody treat an insane person in that brutal and cruel way? And if she was not insane he had no business to interfere with her and pull the hair out of her head.

Now, I don't say it is true, because I know nothing about it. I say those officers there have sworn to it, and I say the man accused has sat here day after day and has made no denial, and I can come to no conclusion but that the silence is brought about by guilt. How can I? How can you?

Then I am going to speak of the neglect of the doctors. There was another woman who left the hospital and fell in the yard for lack of treatment. I think she had failed to get treatment there, and when they picked her up she was dead.

There was still another, sent from the hospital as cured, who died three days after; and still another woman who was a poor cripple, hobbling about on crutches, and she was sent adrift from the hospital and did not get proper treatment. Either these statements are true or they are false, and nobody denies them.

I now come to the drunken officers, and here the testimony has been extensive. The institution seems to have been permeated with drunkenness on the part of the officers. I will call your attention to page 1886. I am sorry to take your time, gentlemen, but this is a very serious matter. I don't know of any case I have ever tried that has appeared to me so serious as this. It affects you and me, it affects us all. If it is true we should act upon it at once; if it is wrong we should know it as speedily as possible. On page 1886 there is the following evidence:

Q. Do you remember an officer named Everdean being in the superintendent's office at one time under the influence of liquor?

A. Yes, sir.

Q. And using profane language?

A. I do.

Q. Now, will you describe that?

A. I think he had been up town. He came in in an intoxicated condition, with his hat on, and used profane language; called the superintendent "Jim." That is the most I remember about it on that occasion.

Now, this statement is very significant. The superintendent is here, has been here all along. The superintendent has not been upon the stand. Counsel may suggest, or somebody may suggest for him, that he has been cut off, that he has not had a chance. That is not true. As you know, early in this investigation in your presence and hearing I asked the superintendent to take the stand; and if you will turn to the printed report of the evidence you will read his reply: "Not now, I will be there when my time comes." And then, repeating the request

and failing again, I turned to Commissioner Devlin and I said, "Mr. Devlin, will you take the stand?" The reply was, "Not now."

I will now call your attention to page 1888, in the testimony of the witness whom I quoted a moment ago:

Q. I asked you awhile ago about the taking of some men to Long Island by an officer — it was Officer Stanwood, wasn't it?

A. Yes, sir.

Q. How many did he take away?

A. If I remember right he took seventy-two.

Q. How many did he bring back?

A. Sixty.

Q. What was the trouble with the officer.

A. Well, I think he had had a little too much drink.

Q. Drunk?

A. Pretty full.

That is the man who in the morning took seventy-two men to Long Island, and in the evening reported to the superintendent with twelve men missing. Why, of course the man was drunk. And no explanation of this testimony has been given. On page 1345, we have this:

Q. Well, give the instances.

A. Well, there were numbers of officers came down there — some of them were drunk, and a number of them were sick — at times, afterwards, all the way from two days to a week.

That is, they were sick from two days to a week.

And on the next page, this:

A. Well, there was William Ward who came down there a number of times drunk. He was in bed drunk one day, and a deputy went there and Ward used some insolent and indecent language to him, didn't know that it was the deputy, and Ward left, with a recommendation to Mr. Gerrish and Mr. Perkins, the deputy.

Q. Recommendation to what effect?

A. That he was a good officer and performed his duties. I didn't see the recommendation. I knew that he received a recommendation from each one, the best recommendation that would be given to any officer.

And on the next page, is the following:

Q. Officer McDevitt?

A. I saw him when I went up to get my account one night, up in the attic I think it was, either the dormitory or the attic, and he had something over 120 men, and I saw him staggering — staggered down the hall.

Q. In presence of the men?

A. Yes, sir.

Q. And was that called to the attention of the superintendent?

A. I understood that he knew all about it, that they had had conferences.

Q. You knew at the time or soon after that the superintendent was told to discharge him, didn't you?

A. I understood so. The man told me so himself.

Q. You learned after a while that he was discharged?

A. He wasn't discharged.

Q. At all?

A. No, sir.

Q. He remained there?

A. Well, he stayed there something like a month.

Q. And then he left?

A. No, he went on leave of absence and never came back.

Q. Then they took him back again?

A. Yes, after some time. He has been there lately.

And Greateon says that the superintendent knew of these instances or some of them.

On page 1972, we have in the testimony of Mr. Stone :

Q. Now, during that time you were there did you notice any instances of drunkenness on the part of the officers?

A. Yes, sir.

Q. Won't you, in your own quiet way, specify them?

A. Well, there was one officer who was drunk when he was hired.

Q. Drunk at the time they employed him?

A. Yes, sir. He came down there with the delirium tremens. He had them for a week. His name was Daniel Knights.

You remember, gentlemen, that Knights was a witness here, and I will refer to his testimony by and by. This goes on :

Q. And I suppose he had them nights, too, didn't he?

A. Yes, sir; I had to send two men around on the night watch to show him, to get him around to put in the winds.

I think he was winding clocks or something — I don't know what it was :

Q. Yes, — who hired him?

A. Mr. Gerrish, the superintendent.

Q. Well, did Gerrish see him at the time?

A. I suppose he did.

Q. What symptoms were there of the disease he carried about with him?

A. Well, he went around one wind and came back and said he didn't dare to go into the barn.

Q. Why?

A. Said there was a cow down there choking to death, came back and wanted an axe.

Q. For what purpose?

A. To cut the cow out of the stanchion where it was tied.

Q. Did he see anything else besides the cow?

A. Yes, sir; he would be walking along and would see snakes, etc., in the road.

Q. Did you see any?

A. No, sir; I ain't a drinking man. (Laughter.)

Q. Well, what else. Was he kept there.

A. There were several other officers who were drunk there.

Q. Well, was Knights kept there?

A. Yes, sir; Knights was kept there.

Q. While you were there?

A. Yes, sir; while I was there. He left just a little while before I did, I think.

Q. You say he had delirium tremens for about a week after he came — did he keep sober after that?

A. No, sir. Several times he was drunk abed — a whole week after that.

Q. Did the superintendent know?

A. Yes, sir.

Q. How do you know?

A. Dr. Roche told him.

And on page 1973 :

Q. And how long was Knights there altogether?

A. I couldn't just state how long it was. I should think he was there over a year.

Q. And you say during that time his habit was to get drunk?

- A. He never came down sober — hardly ever.
- Q. How often did he go up to the city?
- A. Oh, probably twice a month.
- Q. Now, were any other officers in the same condition or similar?
- A. Yes — there was the man on the night-watch by the name of Childs; used to be deputy at the House of Correction.
- Q. What was his name?
- A. Childs.
- Q. What was his trouble?
- A. Well, he would get drunk and couldn't keep awake nights.
- Q. What?
- A. Would go to sleep.
- Q. What was he — night watchman?
- A. Night watchman. He would go to sleep on the bench until I woke him up to go on his rounds.
- Q. That is a watchman who wouldn't watch.
- A. Yes, sir; wouldn't watch.
- Q. Did the superintendent know that?
- A. The superintendehnt came down and picked him up and told him if he couldn't keep awake he would have to get out of there.
- Q. Did he leave there?
- A. Left the next morning — took his trunk and left.
- Q. How long was he there?
- A. I couldn't tell you.
- Q. Any other drunken officers?
- A. Yes, sir; a man named Howard. He was drunk a good deal.
- Q. In public.
- A. He was drunk out on the bank with a gang of men one day and had to be sent up to the institution and another officer sent in his place.
- Q. Did the superintendent know that?
- A. Yes, sir.
- Q. Was he drunk at other times?
- A. Yes, sir.

Now, gentlemen, bad as it was for officers to be drunk, it was still worse to be drunk in the presence of the prisoners, sober prisoners under drunken officers.

This is on the next page:

- Q. Well, any other officers that you saw addicted in the same way?
- A. Yes, sir; I saw an officer named Richmond, yard officer at the time, around the yard doing duty for a week, drunk.
- Q. Anybody know that but yourself?
- A. The superintendent knew it. He was right through the yard every morning.

And then on the next page:

- Q. Anybody else?
- A. Yes, I had several men that were on the night watch that were drunk — a man by the name of Leighton.
- Q. An officer?
- A. Yes, sir.
- Q. More than once?
- A. Oh, he was drunk several times.
- Q. Anybody else?
- A. Yes, sir; a man by the name of McDevitt. He was in the attic. He was drunk on duty.
- Q. Well, what was he in the attic for?
- A. He was an officer in the attic with a crowd of men.
- Q. Well, now, you have named a great many drunken officers. Can you name any sober ones?
- A. Yes, sir.
- Q. You can?

A. Yes, sir.

Q. Do you know whether any of those officers were in the habit of using profanity?

A. Well, yes, several of them was.

Q. In the presence of the prisoners?

A. Yes, sir.

Q. Do you know whether they were in the habit of using it to the prisoners?

A. Yes, sir.

Q. And to each other?

A. Yes, sir.

Q. Were they in the habit of using it in the presence and hearing of the superintendent?

A. I couldn't tell you that, sir.

Q. You could not?

A. No, sir.

Q. Do you know of any instances of rough, severe, or brutal treatment of prisoners?

A. Well, I see two officers holding a man down and after they were holding him down I see another officer take out his club and club a man over the feet.

Q. What officer did that?

A. Officer Forger.

Q. Is he there yet?

A. I think he is.

Q. What position does he occupy?

A. I couldn't tell you.

Q. Do you know of any instances where the prisoners were under the influence of liquor?

A. Well, no, not exactly the men. I heard of one holiday that they had a bottle of liquor in what they termed the Loafers' Hall. They had a bottle of liquor between them.

Q. Do you know how they got it?

A. No, sir.

Q. Or where it came from?

A. No, sir; I do not.

And on page 1833:

A. One of the officers came to me at about that same time and said a drunken officer had grossly insulted his wife, who was one of the matrons down there. That was Officer Marsh.

Q. Said a prisoner had grossly insulted his wife?

A. No, a drunken officer.

Q. What was the officer's name who complained?

A. Marsh was the officer who made the complaint.

Again, on page 1854, there is a description of some drunken officers:

Q. How long after they came down on the boat did you observe them?

A. Probably an hour. They used to go right up to the guard-room where I was, and that is where I would see them.

Q. And they were under the influence of liquor?

A. Yes, sir.

Q. More under the influence of liquor than the prisoners that came down there, some of them?

A. That I couldn't say. I never saw the prisoners under the influence — just one prisoner under the influence of liquor. He got it down there, and was drunk down there.

And on the next page:

Q. And when they got on the wharf, they were really in a worse condition than the prisoners sentenced that day for being drunk on the night before?

A. They were, certainly.

Now, here is one of the saddest incidents of all, on page 1976. The witness is speaking of a boy in the truant school, a boy of tender years:

Q. Do you know an instance where one of the truant boys was drunk?

A. Yes, sir.

Q. Will you tell the committee about that?

A. Well, when evening came it was my duty to stand at the head of the stairs and count the boys as they came up the stairs. This boy, as he came up, staggered. I pulled him out of the line and I asked him what the matter was with him. He said he had a drink of liquor. I asked him where he got it, and he said, "Mr. Goodell's room boy gave it to me." That was all about that.

Q. Now, are you satisfied that what caused the boy to stagger was the liquor?

A. Yes, sir. He staggered, and I smelled it on his breath — had it aboard of him.

Q. Well, was he under the influence of liquor so that it affected him?

A. So that he staggered; yes, sir.

Q. How old was he?

A. I should think fifteen to seventeen years old.

Q. And his condition at that time was visible to the other boys?

A. Yes, sir.

That is a boy in our truant school, sent there to be cared for and reformed, and if this testimony be true he was found drunk there. No contradiction has yet been made of this fact.

About gambling, on the same page, we have this:

Q. What do you know about gambling on the part of the prisoners?

A. Used to be gambling going on at the time of the riot among the prisoners.

Q. What means taken to stop it?

A. No means.

Q. Where did they get the cards?

A. I couldn't tell you. They got them.

Then a little farther on:

Q. Any gambling going on among the officers?

A. Yes, sir.

Q. Well, will you tell us about that?

A. One Sunday night, at the Gut —

Q. That is worse and worse.

A. — Mr. Gerrish and Mr. Burnham walked in there and found the crowd of officers gambling.

Q. For what?

A. I don't know what they were gambling for. They had money on the table when I went in the door.

Q. What game was it?

A. I couldn't tell you. I am not a gambler myself.

Q. They had money on the table?

A. Yes, sir; that I saw.

Q. What did Gerrish do about it?

A. He went in and, I believe, told them to stop, and it wasn't half an hour after Gerrish went away with Burnham before they started gambling again, and gambled until 3 o'clock the next morning.

Q. Kept it up until 3 o'clock?

A. Yes, sir.

Q. How many officers were engaged in that?

A. Oh, I should think eight or ten.

Q. And did you see gambling among the officers at other times there?

A. Yes, sir; saw gambling in the bake-house frequently.

Q. On the part of the officers?

A. Yes, sir; and drinking.

Q. Was that in a place where the prisoners had a chance to see them?

A. No, the prisoners were locked up. It was at night.

Q. So that it was no rare thing for the officers to gamble on the island?

A. It was no new thing; no, sir.

Q. Did it right along?

A. Yes, sir.

Q. Any other means of gambling besides cards?

A. No, I didn't see anything else that I know of.

Q. In regard to the officers, do you remember an instance where one of the officers was so illiterate that he couldn't sign his name?

A. Yes, sir.

Q. What instance was that?

A. A man by the name of Sylvester, who came down there on the night-watch. I guess he stayed there about a month.

Q. How do you know he couldn't sign his name?

A. Said he couldn't — signed it with a rubber stamp.

Q. You saw him do that?

A. No, sir, I didn't see him, but he signed it with a rubber stamp.

Let me call your attention to some instances of neglect on the part of the doctors. On page 1351:

Q. Now, to get down to another part of the abuses down there — the medical treatment, what do you know about that?

A. Well, there was a good deal of trouble all the time. There were certain prisoners sent to the doctor and were never treated — they were kicked out — and other prisoners were. It caused trouble in the receiving office a good many times. I went to Mr. Gerrish about it and he told me we would have to keep on the right side of Dr. Roche.

Q. Who was the doctor?

A. Dr. Roche and the other doctors.

Q. What do you say in regard to the conduct of the doctor? Give some instances, if you please.

A. Well, he would report prisoners for punishment whom we thought were sick. When we got our orders from the deputy or superintendent, we, of course, would have to lock them up, and oftentimes we got into trouble through that. The prisoners thought naturally that we were the ones who were enforcing the orders. We were enforcing the orders, but it was in that way.

Q. Well, what do you mean, Mr. Erskine; you were there, you say, nearly two years, and speaking plainly, do you mean to cast any blame upon the doctor, or don't you?

A. Well, I think that he reported men who ought not to be reported for punishment, who should have been treated for sickness.

And on the next page:

Q. Now, won't you tell the committee?

A. I considered that he did that to get rid of these men, not to treat them.

Q. Were you aware that they had been ordered back?

A. Yes, sir.

Q. Now, putting all that you saw together, during the time you were there — what do you say — was the doctor negligent or otherwise?

A. He was negligent.

Q. In regard to his treatment of the prisoners?

A. Yes, sir.

And on page 1450, speaking of the medical treatment:

Q. To begin with, perhaps I may ask you about Edward Fitzgerald?

A. Well, Edward Fitzgerald worked for me in the printing-office. He was taken sick. He fainted one day and I sent him to the hospital with

another boy. When he returned I asked him what the doctor said, and he told me that the doctor had given him some medicine and told him to go to bed. I sent him to the hospital upstairs. I went on my vacation, I think, the next day.

Q. How long were you gone?

A. I was gone nearly two weeks.

Q. Did you see the boy when you got back?

A. I was gone two weeks. I went back to the island one day and did some work and then went away and finished my vacation. When I returned and called my printers to work Edward Fitzgerald was not among them, so I went to the hospital to see how he was getting along. I found him in bed and asked him how he was. I asked him when he had seen the doctor, and he told me he had not seen the doctor since the day I sent him over to the hospital to see him.

Q. That was two weeks before?

A. That was two weeks. He lifted the clothing and showed me his limbs. They were badly swollen. His knees were covered with sores. That boy was in the hospital about five weeks and he didn't receive more than three or four visits from the doctor the whole time he was there.

And on the next page:

Q. And as you saw him in the hospital he was a sick boy?

A. A very sick boy.

Q. Now, from what you saw what do you say — that he had been neglected or not?

A. I say he had been grossly neglected. An officer of the Reformation told me he didn't think he would ever have got on to his feet if he hadn't helped him and worked on him.

Q. In regard to another boy, named Joseph Daley, what do you know?

A. Joseph Daley worked for me and was taken sick and was sent to the hospital. He had been there three days when I went up to see him and found him in a high fever, what I call a fever. I asked him when he had seen the doctor and he said he had not seen him. I went out and looked for the chaplain — the chaplain is the superintendent of schools at Deer Island.

And farther on:

A. A short time after, a few hours after, that boy was removed to the House of Industry hospital.

Q. For what purpose?

A. For medical treatment, I presume, and he died there a short time after.

Q. Well, couldn't he have received treatment at the hospital of the House of Reformation.

A. He could as far as I know.

Q. How soon after did the Daley boy die?

A. Within a week, I should say — I am not sure.

Q. How old was that boy?

A. About sixteen, I should say.

Q. And he had worked for you in the printing-office?

A. Yes, sir.

Q. Now, from what you saw in that case and the knowledge you obtained, what would you say — was it a case of neglect or not?

A. I say it was a case of neglect. The boy's life might have been saved had the doctor seen him when he first went there.

And on page 1824:

Q. Do you know anything about the neglect of the sick inmates on the part of the physician?

A. No, I don't think I do, because I wasn't in a position to know anything particularly about that.

Q. Do you remember an instance where a woman went to the doctor, and after examining her or after seeing her he said nothing ailed her, and on her return she fell in the yard and then died within an hour?

A. I remember a woman that came in from the yard sick and was taken to the hospital, and it was said that she died very soon, but I couldn't say whether that was the case. I remember the case of one woman, but I have forgotten the name. I think the woman worked in the kitchen, but not for me.

Now I come to the case of an insane officer, gentlemen. It is on page 1983, in evidence of Mr. Stone:

Q. Just one other thing, if you please. There is an officer in the House of Reformation, a teacher named Twitchell?

A. Yes, sir.

Q. He is there now?

A. Yes, sir.

Q. Have you seen him drunk at any time or times?

A. Yes, sir.

Q. How often?

A. Oh, I see him drunk two or three times.

Q. And there is another officer down there by the name of Denehy — have you seen him drunk?

A. Yes, sir.

Q. How often?

A. Oh, several times.

Q. They have not been discharged?

A. No, sir; they are there yet.

Twitchell, you know, was upon the stand:

Q. And in regard to an officer named Wells, who is at the Gut there — do you know whether he was at times out of his head?

A. Yes, sir; he was crazy one spell, I believe.

Q. And was he fit or unfit to occupy that position?

A. I shouldn't call him fit.

Q. You shouldn't?

A. No, because he wasn't responsible at times.

Q. In regard to this Officer Knights—in regard to the condition of his clothes; do you know whether the matron refused to wash his clothing with the clothing of the other officers?

A. Yes, sir; she did.

Q. Why?

A. Infected with vermin, I believe.

Now, in regard to some of the boys in the House of Reformation, I desire to call your attention to the testimony on page 1452, speaking of the case of James Kenny:

Q. Now, James, was he an inmate of the House of Reformation or the truant school?

A. He was an inmate of the House of Reformation.

Q. How old was he?

A. He was perhaps going on seventeen years of age. He was the largest boy in the institution.

Q. And what was done with him?

A. My attention was called to him while he was going from the dining-hall to the playground. He was the tallest boy in the line and he was limping along at the rear of the line.

Q. Limping along?

A. Limping along. I asked the officer what the trouble was with Kenny, and he told me that the teacher had been after him, that I had better take a look at him when I got a chance.

Q. Now, did you take a look at him ?

A. I followed down and overtook the boy in the tower. The rest of the boys had all got into the yard, and I looked at his person and found that he was bandaged — looked to me to be torn sheets bandaged up, wound around his body, and covered with vaseline.

Q. What part of his person ?

A. His hip and back and legs. He removed the cloths and his back and hips were covered with a mass of matterated sores from three to four inches in length where a rattan had cut into the flesh the full depth and nearly the size — it was probably a rattan the size of my little finger, and there were dozens of those stripes over his body. I asked him why he did not go to the doctor, and he told me that he did not dare to do so. I asked him who bandaged him, and he told me the boys in the hospital and Officer Averill. This was several days after the punishment.

Q. He said that some of the boys, together with Officer Averill, had bandaged him ?

A. Yes.

Q. While I think of it, this was March 9, 1891 ?

A. I looked at the punishment book to see if the punishment was recorded, and to see how many blows had been struck, and I found that it was recorded there in the book — satisfied myself.

Q. What was the record ?

A. I don't remember the number of blows. It was a very small number — twelve or fifteen blows.

Q. That is, the number of blows recorded you found was small, or you thought was small, compared with the appearance of the body ?

A. Yes, sir.

Q. Now, this boy, Jimmie Kenny — you watched him afterwards, did you ?

A. Yes, sir.

Q. Will you state whether afterwards he appeared to become silly, idiotic ?

A. Well, he was idiotic at the time. He never should have been punished in that way. He was idiotic — that is, he was of weak mind.

Q. Well, you have seen him since ?

A. I have seen him since, within three months, and I have seen the scars on his person from the effects of that punishment.

Q. Where is he now ?

A. Well, he was at that time living off Blue Hill avenue. I have his address — he lived with an aunt.

Q. And you say that within three months you have seen him and that he still carries those scars ?

A. Yes, sir.

Q. And always will probably ?

A. Well, he told me he thought probably he should, that they were put on too well to get away very soon.

And on page 1454 :

He told me that shortly after I left Deer Island the officer who did the punishment took him to his room and told him to tell the committee, or anyone who might ask him in regard to those scars, that he got them from sitting on a hot poker. I took the boy at that time — there was to be an investigation, I supposed, by the Common Council of the city of Boston, who had voted to investigate the conduct of the affairs of the public institutions on Deer Island — I took that boy to Michael W. Norris, of South Boston, then a member of the Common Council, and showed him the boy and the scars, and the boy told him the same story.

Q. Was there an investigation ?

A. There was not.

Q. Why ?

A. You will have to ask the mayor — I couldn't tell you.

Q. Well, now, in regard to the boy James Hanrahan ?

A. That boy, James Hanrahan, attempted to escape from Deer Island on August 3d, by swimming.

Q. What year ?

A. 1891.

Q. August 3d, 1891?

A. Yes, sir.

Q. Where did he belong?

A. He belonged in the House of Reformation.

Q. How old was he?

A. He was, perhaps, fifteen or sixteen — a large boy.

Q. Yes — well, now, go on.

A. He was rescued by a fisherman.

Q. He attempted to escape, you say ; in what manner?

A. By swimming.

Q. Well, how did he get out of the institution?

A. He had been at work on the farm under the jurisdiction of an officer, weeding.

Q. He was out weeding?

A. Yes, sir.

Q. Who was the officer?

A. John Averill. He eluded the vigilance of the officer, and was seen and heard crying in Shirley Gut.

That is, in the water. In regard to this boy, James Hanrahan, you will remember the testimony, his strength failed him when he got well out in the water and a fisherman happened to be near by with his boat and pulled the boy in. The little fellow was unconscious, and by some effort the fisherman brought him to, and then the little boy called out most pathetically — For God's sake, let me drown, don't send me back again to get whipped."

That is the case of James Hanrahan. The boy was returned to the institution ; and some of the witnesses testified as you will remember, that his body was covered with black ridges.

Then there was another boy who jumped from the window — I don't know how high up, but he jumped from one of the windows — and he was picked up by another of the officers. I cannot now call him by name. The officer who had punished him sought to punish him again and the other officer interfered, and what the other officer got for his interference was to be brought to the superintendent and reprimanded ; and when he said the boy should not be punished the superintendent, according to his testimony, said it served the boy right.

Now, this testimony is false or true. We say it is true. And yet the superintendent has not uttered any protest against it and not one of the officers has been called to deny it.

And there is the case of Barnett, on page 1455 :

A. I saw the boy. He had been struck over the head with a rattan and there was a livid mark from over his eye across the top of his head down back of his ear, and he had from ten to fifteen blood blisters on his hands.

Following that is the case of William Perkins, on page 1545 :

A. I would like to call the attention of the committee to the case of a boy named William Perkins, who broke his arm at the Truant School. My attention was called to him in the House of Reformation Hospital, and I found that the splints had slipped down from the break on his arm. The arm was broken about an inch and a half or two inches below the elbow, and when I saw him the splints had slipped down from that break, and the weight of his arm had gradually sagged the forearm so that the bone had knitted, and his forearm was at about that angle (illustrating). The place where the bone had been broken looked about as your elbow looks, and I asked the boy when the doctor had seen that arm, and he said he hadn't seen it since the day he set it. I asked him how long ago it was and he said ten days. I turned and met the hospital steward, Thomas Nyen, and asked him if he had seen that boy's arm — supposed to look after that boy — and he said, "No, what is the matter with it?" I said, "You had better go and take a look at it." That

afternoon the boy was discharged from the hospital and sent up to the Truant School, and I understand that they had to break his arm over again, and that now it isn't straight. I believe he is at Deer Island at present.

And on page 160, speaking of the punishment of boys, the witness is asked as to the number of blows a boy got. The question was:

Q. That was the worst case you ever saw, wasn't it?

A. Yes, sir.

Q. You said it was brutal in the extreme, didn't you?

A. Yes, sir; I say so now. I never said any different.

This witness, I think, was Mr. Fulton. You will remember him.

Q. And you so represented it to the superintendent? What did he say?

A. He said that he spoke to the superintendent about it.

Q. Yes, what did he say?

A. He said he didn't think the boy got any more than he deserved.

On page 1603 we come to the party who did the punishing:

Q. And do you remember a case where you interfered to stop the punishment?

A. No more than that I told Mr. Hickey the case belonged to the doctor instead of him.

Q. What case was that?

A. I don't remember the boy's name.

Q. I know, but describe the case, never mind the name?

A. Well, he was a boy in my school.

Q. Yes, how old?

A. Well, fourteen, perhaps fifteen.

Q. And what was the punishment for?

A. I think it was for self-abuse.

Q. What led you to interfere?

A. He simply told me that he was going to punish him, and I told him he had no right to. That was all.

Q. Well, was the boy punished?

A. Well, that is what they said. I didn't see him punished.

Q. Did you see him afterwards?

A. No, sir.

Q. You don't know whether he was punished or not?

A. Well, I understood so. He said he was going to punish him severely.

Q. Yes; but you don't know whether he did.

A. I couldn't swear that he did, but I heard say that the boy went to the hospital that night.

Q. What caused him to go to the hospital?

A. Well, the boy was not very strong.

Q. What caused the weakness, was it the beating?

A. He wasn't a very strong boy in the first place.

Q. Was it the beating that sent him to the hospital?

A. Well, it might have been.

Q. Don't you know it was?

A. Well, supposed it was; yes, sir.

Q. In other words, you said to certain persons, didn't you, that Hickey beat the boy so brutally that he had to be taken to the hospital and kept there?

A. Well, I think that was the case.

This, you remember, was a very unwilling witness. He was in the employ of the institution at the time he testified:

A. Well, I think that was the case.

Q. Well, why don't you state it to this committee without my effort to pull it out?

A. Well, it requires some pulling.

Q. I know it does.

A. Those things are old.

Q. Well, they ought to be discovered. Now, will you tell us all about that case?

A. Well, I think that is about the whole of it.

Q. How long was he kept in the hospital?

A. The boy was in my school. He was below par and knew very little — was subject to fits, I think. He couldn't learn anything. Mr. Hickey made a complaint to me that there were such things going on in my school, said the boys told him so. I told him I thought it was his place to come to me instead of to the boys. I told him there was nothing of the kind going on in my school. He said he understood it was so and he should punish it. I told him he had no right to, the boy's case belonged to the doctor. I think it did.

Q. And was the boy so punished and sent to the hospital?

A. Well, that was the understanding there.

Q. How long did the boy remain in the hospital?

A. I don't know, sir. He was up there awhile.

Q. Was he then sent back to you?

A. No, sir; he was discharged.

Q. Did he leave or die?

A. I don't know, sir. I understood he was discharged on the doctor's recommend.

And later on you will find, if you will scan this testimony closely, that Officer Averill was sitting in one of the rooms of the House of Reformation one day, whether asleep or awake I cannot tell you, when ten or twelve boys entered and as they seemed noisy and disorderly he drew his revolver and fired two shots at them. Of course they scattered and fled and the bullets afterwards were found in the casement of the door. Fortunately he did not strike any of them.

I now come to the matter of clubbing and stringing men up, in the testimony of Mr. Greaton, on page 1956:

Q. Now, you don't know anything in regard to the punishments inflicted down there, do you?

A. I have seen some of the punishments; yes, sir.

Q. Well, any punishments out of the way, extreme or cruel?

A. I recall one instance where I don't think it was just right.

Q. What was it?

A. Where a man was tied up in the bath-room at night, and when he would call for water the superintendent would tell him, "Well, I will take a drink for you myself."

Q. What?

A. "I will take a drink myself." In that case I don't think it was right. He would walk to the icewater and take a drink himself several times, when the man called for water.

Q. How long was the man tied up?

A. He was tied up and the superintendent remained there until 12 o'clock that night.

You will remember that case, where the man was handcuffed by the wrist and a rope placed over and thrown over the steam-pipe, where he was tied up there, the superintendent staying there for several hours, and when he would ask for a drink of water the superintendent would refuse to give it to him, but would say, "I will take a drink myself," and where the superintendent remained with him until 12 o'clock, and he was then left in charge of another officer and kept in that position the whole night. If that testimony be false, nobody has denied it, and we take it to be true.

Then on page 1680, speaking in regard to stringing up prisoners, we have the following testimony:

Q. In regard to stringing up prisoners — if you have any knowledge of that will you please tell us what you saw?

A. I saw the prisoners strung up there, several of them.

Q. And how long were they strung up?

A. Until they about fainted. Some of them did faint.

Q. Well, was the punishment cruel, brutal?

A. Yes, sir.

Q. Did anybody protest, except the prisoners?

A. Not that I know of.

Q. Now, in regard to the ventilation of the House of Industry, did you inspect that at all?

A. I was sent by the superintendent, in absence of the prison officer, into the prison at one time with instructions if I found anything wrong to make it right, and I found no ventilation there whatever. The ventilators were completely clogged up with old rubbish. I think I took out somewhere in the neighborhood of nine barrels of old rubbish, — of boots, shirts, stockings, etc.

Q. Nine barrels?

A. Yes, sir.

Q. Old boots, stockings, and rubbish?

A. And newspapers, and so on.

Q. Found in the ventilators?

A. In the ventilators; yes, sir.

Q. What condition did you find the cells in — especially those used for solitary?

A. I found them at that time in a bad condition.

Q. Will you describe their condition?

A. Yes, sir; I found them bed-buggy. On one set of slats that I took out that the prisoners slept on I counted, I think, nearly 200 bed-bugs.

Q. Taken from one?

A. In a solitary cell. They were all more or less covered with bed-bugs, but not so many on either of the others.

And on page 1959 the following:

Q. Now, were the blankets in those cells ever washed?

A. The blankets, I found them in a bad condition. I couldn't judge when they had been washed.

Q. Were they clean or were they dirty?

A. They were dirty, quite dirty.

Again, upon page 1967, he says he cleaned out the ventilators again after having taken out nine barrels of dirt and rubbish:

Q. Now, in regard to the ventilators, you said you took out nine barrels of rubbish at one time. Did you examine them later on and take out seven barrels more.

A. I did, in the course of two months.

Then there is this testimony on page 1576. We are now dealing with some of the officers in the House of Reformation, where they keep the small boys:

Q. Have you seen those officers under the influence of liquor while on duty?

A. I have seen Mr. Cunningham under the influence of it while on duty.

Q. And in the presence of the boys?

A. In the presence of the boys.

The boys we send down there to be reformed!

Then on page 1627 we have this most significant testimony. Mr. Fulton is testifying, and you will remember that Mr. Fulton at that time, at the time of his testimony, was in charge of the Reform School. He is asked as to the effect of the treatment on the boys, and one of the Aldermen, — Alderman Lomasney — put this question to him:

Q. What other cases have there been down there, what other cases where women prisoners got rowing over the attentions of the officers?

A. Sir?

Q. What other cases have you heard down there where the women prisoners have got jealous of one another over the attention paid them by the officers?

A. None.

Q. Never heard anything else?

A. Don't remember any.

Q. Do you think, Mr. Fulton, that a boy sent to the House of Reformation at Deer Island is reformed or is to any degree better and is taught better things at Deer Island then he would be if he were around the streets?

A. I told you before that in some instances I thought he was improved and in some the reverse.

Q. Well, now, let us try and get as near as you can give it the percentage. About how many boys should you think, how many boys out of a hundred, do you think confinement at the House of Reformation benefits?

A. I think it is all beneficial except the association. If a good boy goes there his association is very bad.

Q. And he becomes worse — is that it?

A. Well, he may learn some bad he didn't know before — gets some good education that he wouldn't get elsewhere.

Q. Well, outside the educational advantages, are his morals improved any?

A. Not unless he is a very bad boy, I don't think.

Now, think of that, gentlemen! A boy is sent down to the House of Reformation, deprived of his liberty and sent down there in order to fit him for the duties of manhood, to protect him at a time when he cannot protect himself; and this officer in charge of that school, who had been there for many years, states under oath that a boy sent to that place is not improved unless he happens to be a bad boy. That is, if a boy is not really a bad boy and happens to get in there he is destroyed. But if a boy is a bad boy, so bad that you cannot make him worse, then the master says he cannot be injured by having him sent there.

Such a state of affairs is something unknown to the ordinary citizens of this Commonwealth.

On page 1549 I desire to call your attention to the testimony of Bernard Scott, and although it will take a few minutes to read it, yet, gentlemen, it is well worth it, because it is the most significant testimony yet given in reference to the results produced by our institutions, the result produced upon a boy of tender years. Just follow the history of this little fellow, and then see whether our institutions reform or turn out young criminals:

Q. Your name?

A. Bernard Scott.

Q. How old are you?

A. Eighteen years old, sir.

Q. And you can read and write, can you not?

A. Yes, sir.

Q. Where do you work now?

A. Thirty-two Boylston street, sir.

Q. For whom?

A. Alexander C. Morrill, sir.

Q. Where do you live?

A. The West End, sir.

Q. In Boston?

A. Yes, sir.

Q. And are your parents alive?

A. Well, my aunt is, sir, and I have got a father.

Q. Your father is not?

- A. My father is, sir.
 Q. He is alive?
 A. Yes, sir — I have got a stepmother, sir.
 Q. Oh, yes — you have a stepmother, and your father is alive. Do you live at home?
 A. Well, I board with an aunt now, sir.
 Q. You are with your aunt?
 A. The last two months, sir.
 Q. Now, were you sent to the Marcella-street Home at any time.
 A. The first time I was sent to the Marcella-street Home was in, I think, the latter —
 Q. Well, I only want to establish the fact that you were sent there.
 A. Yes, sir.
 Q. How old were you at that time?
 A. About eight years old, sir.
 Q. Was your mother alive then?
 A. No, sir.
 Q. You had a stepmother at that time?
 A. No, sir.
 Q. And how long did you remain at the Home — about how long?
 A. I remained two years, sir.
 Q. Two, was it?
 A. Two, sir.
 Q. Now, after getting out, what became of you?
 A. I went to live with this aunt of mine, sir?
 Q. And then how long did you remain before getting into some of our institutions?
 A. I think about three months, sir.
 Q. What became of you then?
 A. I was sent to the Marcella-street Home again, sir.
 Q. How long did you remain there — about how long?
 A. I think I remained there about a year, sir.
 Q. About a year — then what became of you?
 A. I was sent on to a farm down in Cape Cod, sir.
 Q. Who sent you there — oh, you were sent from the Home?
 A. Yes, sir.
 Q. How long did you remain there?
 A. One year, sir.
 Q. Then what?
 A. Then back to Boston here again, sir.
 Q. And were you sent to any of the institutions after that?
 A. Sent to Deer Island, sir.
 Q. For what?
 A. Well, the charge was “neglected child.”
 Q. You were sent to the House of Reformation, were you?
 A. Yes.
 Q. As a neglected child — about what age were you then?
 A. About twelve, sir.
 Q. How long did you remain in the House of Reformation?
 A. A year, sir.
 Q. A year?
 A. About a year, sir.
 Q. Were you pardoned out?
 A. Yes, sir, I was pardoned at the examination of schools.
 Q. When you were pardoned, where were you brought? Were you brought up to Boston?
 A. Yes, sir.
 Q. Well, where?
 A. Went up on the boat and got off and went to Charlestown then, sir.
 Q. When you got to the wharf, what did you do? Did anybody take charge of you?
 A. No, sir.
 Q. Nobody met you there?
 A. No, sir.

Q. When you landed, you went about your business?

A. Yes, sir.

Now, mark this, because it is a serious matter. Here is a child of very tender years who was committed to that institution, and who in the eyes of the law was to be in charge of the Commissioners until he reached his majority. They had the power of pardoning him and they resorted to it, but it was their duty, as we contend, to see that he was properly placed and not to let him have his liberty in the way in which he obtained it. That is, he should have been met at the boat and should have been sent to some family, and should not have been allowed to leave the boat and wander about as he pleased. Then I asked him:

Q. Where did you go then?

A. I went over to Charlestown, sir.

Q. And what became of you next—did you get into the institutions again?

A. Yes, sir.

Of course he did.

Q. How soon after?

A. About —

Q. About how soon?

A. Five months, sir.

Q. Where were you sent?

A. Deer Island, sir.

Q. To the House of Reformation?

A. Yes, sir.

Q. For what?

A. I think the same charge.

Q. And then how long did you remain?

A. Remained about six months, sir?

Q. Were you then pardoned?

A. Yes, sir.

Q. And where did you go?

A. Sent down to Maine, sir.

Q. Who sent you there?

A. Mr. McCarthy, sir.

Q. How long did you remain there?

A. Six days, sir.

Q. What then?

A. Came back to Boston again, sir.

Q. Oh, you didn't go for the purpose of remaining but six days, did you?

A. No, sir.

Q. And you left?

A. I left, sir.

Q. And when you got back to Boston what became of you?

A. Knocked around the city for about three months again, and went down again, sir.

Q. You were sent down again?

A. Yes, sir.

Q. To the House of Reformation?

A. Yes, sir.

Q. For what?

A. For larceny, sir.

Of course, — degree after degree he develops into a criminal.

Q. Well, was it to the House of Reformation or the House of Industry?

A. House of Reformation, sir.

Q. And how old were you then, that last time, when you were sent down for larceny?

A. I guess about fifteen, sir.

Q. Yes. How long were you kept there?

A. Two years, sir.

Q. And where you then pardoned out?

A. Yes, sir.

Q. When was that?

A. Two years ago the 15th of this month, sir.

Q. Yes — about two years ago. Well, when you were pardoned at that time, did anybody meet you at the boat?

A. No, sir.

Q. You went about your business?

A. Yes, sir.

Q. What have you been doing since?

A. Working, sir, at the printing trade.

Q. And now you are with Mr. Morrill?

A. Yes, sir.

Q. So that you have spent a considerable part of your life at the island and in the House of Reformation?

A. Yes, sir.

Q. Now, in going down to the island and on the boat, will you tell these gentlemen whether you were put in cells with men and women convicts? Were you?

A. Yes, sir; well, the second time going down I was put into a cell with fifteen or twenty House of Industry men.

Q. Men?

A. Yes, sir.

Q. And was that the only time?

A. Well, I couldn't say for sure whether there was any with me the last time or not.

Q. (By the CHAIRMAN.) Whereabouts are these cells — on the boat, do I understand?

A. Yes, sir.

Q. (By Mr. RILEY.) Were there any other boys in there at that time?

A. I don't remember now, sir.

Q. Now, will you state what was done to you when you got to the House of Reformation the second time, by way of punishment — a little louder; I want you to keep your voice up. What was done to you by way of punishment when you went down there the second time?

A. Well, Mr. Hickey caught me under the chin here and twisted my neck a little and then slapped me in the face.

Q. Well, what did you do?

A. I didn't do anything; just coming down the second time, that is what it was for.

Q. What did he say, anything?

A. Well, he asked me what I came down for, why didn't I keep out of trouble.

Q. Well, that didn't hurt you, I suppose?

A. No, sir.

Q. Now, how was it when you got down there the third time — any punishment then?

A. No, sir. I don't think so, sir.

Q. Now, will you tell us what you know in regard to punishing or beating the boys down there, if you know anything about it?

A. Well, Mr. Hickey had a habit of catching the boys by the hair on the neck here, and lifting them off their feet, and catching them under their chin and slapping their faces, and then he would take and swing his hand and give a boy a crack in the face that would stagger him, make him cry, cry with pain.

Q. How often have you seen them lifted off their feet by the hair?

A. Oh, I have seen that done, I guess, about once a day, sir.

Q. Right along?

A. Yes, sir.

Q. And for what would that be done? What would the boy have to do in order to get that reward of merit?

- A. Well, perhaps the boy would whisper in line or turn his head around.
- Q. How often have you seen boys struck not with the rattan, but with the fist?
- A. Well, I have seen them get a swinging slap on the face.
- Q. Well, you say that staggered them and made them cry?
- A. Yes, sir.
- Q. How often have you seen that?
- A. Oh, that was done nearly every day, sir.
- Q. Have you seen any of the boys knocked down?
- A. Well, I seen a colored boy knocked down by a kick under the chin by Officer Averill.
- Q. Well, what was the position of the boy at the time he got the kick?
- A. The boy was down on his knees blacking the officer's shoes, and the officer said something about shining the heels, I think.
- Q. About shining the heels?
- A. Yes, sir; and the boy says, "I am coming to that," and with that the officer up with his foot and kicked him under the chin and knocked him over.
- Q. Was that done by way of joke?
- A. No, sir; he meant it — said, "None of your back talk," and kicked him.
- Q. Did the boy cry?
- A. No, he didn't cry, but it hurt him.
- Q. Well, did he finish the boots?
- A. Yes, sir.
- Q. Now, do you remember the case of James Halloran?
- A. Yes, sir. He got fifteen raps from Hickey for coming down a second time.
- Q. What with?
- A. The rattan, sir.
- Q. What part of his person?
- A. On his hips, sir.
- Q. And simply for coming down the second time?
- A. Yes, sir.
- Q. And how many blows have you seen given to some of the boys there?
- A. Well, I have seen one boy, John Duffy, get sixty raps from Mr. Hickey.
- Q. Yes — for what?
- A. Some indecent act, sir.
- Q. And did the boy cry?
- A. Well, the boy didn't want to cry. He wanted to keep it in.
- Q. I mean was the boy hurt?
- A. Yes, sir; he was hurt.
- Q. Sixty raps?
- A. Yes, sir.
- Q. Do you know of any other cases of punishment down there that you think of?
- A. Well, Officer Averill, his monitor — he used to have a boy for a monitor. While he would be attending to his business in other parts of the institution he would give this monitor his rattan and tell him to lace the boys with it if they didn't mind, and if the boys objected to that, the monitor would send them to Mr. Averill and they would get more.
- Q. Well, have you seen whiskey with any of the boys?
- A. Well, no; I didn't see any whiskey, but I have heard of a case where a boy got punished for having —
- Q. You knew of a boy's getting punished by whom?
- A. I don't know the officer, sir; I was told this, sir.
- Q. Who was the boy that was punished?
- A. A boy named Donovan, sir, got it in an officer's room.
- Q. Punished because he had obtained whiskey somewhere — is that it?
- A. Yes, sir.
- Q. Well, do you know anything about boys having tobacco down there?
- A. Well, the boys used to get tobacco through the fences in the yard, sir.
- Q. From whom?

- A. From the House of Industry men, sir.
- Q. From the prisoners?
- A. Yes, sir.
- Q. And they were as close together as that, were they?
- A. Yes, sir.
- Q. So that tobacco could be passed through the fence?
- A. Sometimes thrown over the fence, sir.
- Q. Did you at any time hear the voices of female prisoners who were put in cells in the House of Reformation?
- A. Yes, sir, I did.
- Q. Did you hear the talk?
- A. I have heard their talk.
- Q. You needn't state what it was, but you can state whether it was offensive or not.
- A. Yes, sir.
- Q. And did you hear the screams and yells?
- A. Yes, sir, I did.
- Q. How long would such talk and noises be kept up?
- A. Well, about half an hour, sir, while the boys were there at supper, dinner, or breakfast.
- Q. And most of the boys about there, I suppose, heard it?
- Mr. PROCTOR. — Pardon me.
- Q. (By Mr. RILEY.) I meant to say that those noises were close to where most of the boys were?
- A. Yes, sir.
- Q. In regard to the punishment of a boy named Murphy — do you remember anything about that?
- A. Yes, sir; he was punished for —
- Mr. PROCTOR. — What Murphy was this? Do you know his first name?
- Mr. RILEY. — No, I don't.
- Ald. BARRY. — There have been two Murphys. Mr. Riley.
- Q. (By Mr. RILEY.) What Murphy was this?
- A. This boy's name was Patrick Murphy.
- Q. What do you know about him?
- A. He and two other boys were punished by Officer Averill for talking to a female prisoner in a cell.
- Q. A prisoner that was locked up in the House of Reformation?
- A. Yes, sir.
- Q. Did you know anything about stolen apples and other things being brought into the House of Reformation, thrown over the fence?
- A. I know at the time of the riot there prisoners, House of Industry men, threw over a couple of barrels of apples, I should judge, and I and another boy went out to get some of them and got punished, for eating the apples, by Officer Hickey.

Then he speaks of a colored boy, named Johnson, whom he says was punished by Mr. Hickey:

- Q. How severe was the punishment?
- A. Well, I guess it left the marks, left plenty of marks on the boy.

I say the testimony of this poor little boy Scott sums up the case against the House of Reformation. A place where those boys are sent in order that they may be cared for turns out to be a place where they see nothing but brutality, hear nothing but profanity, where drunkenness is called to their attention, where they are listening to the yells, shrieks, and obscene talk of female criminals put in cells in the same institution. And, in a few words, I believe that institution graduates them as criminals. It is no uncommon thing to find House of Reformation boys in our House of Correction afterwards, as well as in the other institutions.

The CHAIRMAN. — Will Mr. Riley inform the committee how much longer time his argument will take.

Mr. RILEY. — I will get through as rapidly as I can, gentlemen, but you see I am dealing with the testimony and consequently, I should like to call your attention to everything I have. I am not talking for the sake of listening to my own voice, but I am talking for the sake of calling your attention seriously to things which I insist have been proved. If you say stop now and come in to-morrow morning or go on now until 12 o'clock, I am perfectly willing to comply — just as you prefer.

The CHAIRMAN. — The committee have already given you more time than agreed upon.

Mr. RILEY. — Well, I thank the committee for it, but it is really for your benefit, gentlemen, and not for mine. I am only a citizen of this Commonwealth, and this concerns the public. On page 1661 to 1663 you will find the testimony pertaining to the imprisonment of women in the House of Reformation, and you will find as you follow along testimony in regard to a man who died in a cell there, and will also find testimony pertaining to the cases of F. M. Brown, and a man named Black, both of them being officers.

I now refer particularly to the case of Black, who had for more than a year or quite a year, to give \$5 of his salary a month to another officer named Atwood, or else he could not keep his place, and the same proposition was made to an officer named Brown, and sooner than submit to it he left. This Atwood, I understand, is the same man who was a defaulter at one time to the institution to the extent of \$100, and you remember, according to the sworn statement of Ryerson, that some \$29 in money belonging to dead paupers was taken and appropriated for the purpose of cancelling the indebtedness of Mr. Atwood. I think he is down there yet.

I need call your attention only in passing to the burial of dead paupers and convicts together, to the testimony showing that forty or fifty bodies of the dead were allowed to accumulate, were stowed away for a time, in a place where the hogs used to be killed, and then a large trench was dug by the paupers, and the bodies were buried in that way, without any funeral services, the paupers who were digging the trench being compelled to smoke their pipes while doing so, such was the offensive odor from the bodies. One of the bodies, for instance, according to the testimony of Dr. Newell, had been kept for more than a week in that place, and another body had been kept for nineteen days during the month of August.

I have already referred to the stringing up of men, to the wickedness of the punishment, to the way it was given, and the fact that the officers, some of the police officers from our city, were called to view it and seemed to enjoy the sport: to the fact that one man was kept up twenty minutes and another man kept up about an hour. That is, they were strung up and taken down when they fainted, and that was continued for an hour at a time until the man finally went off in a fit.

You have already had called to your attention the matter of sending convicts to Long Island. That is clearly against the law. I don't think there is anywhere in statutes any law for it. A person is sentenced to Deer Island for crime, and it is clear as the noonday sun that if a person is sent to Deer Island there is no authority to transfer them to Long Island, or to the House of Correction, or any other prison for work during the day. His sentence is to that place. And so it is with regard to Long Island. When the superintendent, the Commissioners, or any other persons, send prisoners over to Long Island for the purpose of doing work there, they are breaking the law, and more clearly are they breaking it when they send, as they did, 100 or 104 men and let them to a contractor over there. In some cases people are brought back at night. Most of the time they are; but in one case, as you remember the testimony of Dr. Newell, a barber was kept over there three months,

really put in his sentence at Long Island, although he was sentenced to Deer Island, and another man was kept on Long Island for a week, I think, if not more

This thing should be stopped. It is a breaking of the law. You have had testimony in regard to the contagious clothing and how the clothes are all washed together, especially the underclothing, and how some of the prisoners have been obliged to use the dirty clothing cast off by others. You remember the testimony of a man who had been down there and who pointed over to Mr. Gerrish and emphasized the fact that every word he told was true, and among other things he spoke of the clothing.

In regard to the bad quality of the food, that is a matter of much import. They called nobody but Mr. Flanders. A reference has already been had to Flanders, and you know and everybody knows that tea for 10½ cents a pound is unfit for human consumption. You wouldn't have it in your house and wouldn't give it to your servants. Mr. Flanders was compelled to admit that nobody else bought tea as cheap as that. Then take the price of butter — 12 to 14 cents a pound — butter in name only, not fit for human consumption. Molasses for 10 cents a gallon, 2½ cents a quart, is not bought in our houses. Whiskey at \$1.25 and \$1.50 a gallon and sherry as low as \$1.80 a gallon is, as you know, liquor not fit for hospital purposes. It was purchased for medicinal use and should not have been the cheapest stuff, but rather the best stuff. No reputable doctor would undertake to give it to his patients, and no man of experience in drinking such liquor would want to use it for any other purpose.

If the food is of a proper quality Boston teams with wholesale and retail grocers who could easily be called to show it, but no testimony has been introduced other than this man's, because no other could be obtained. You remember what he said in regard to Dr. Newell — that Dr. Newell and Mr. Devlin wanted him to go to the Mayor, and he said he thought it shouldn't go because it would be unfair to the Commissioners. But it appears afterwards that when the chairman was interested in his going, although he had refused to go, had not been willing, he did go to the Mayor. He went for one of the Commissioners then, never thinking of the other two. Does anybody doubt the honesty and integrity of Commissioner Devlin, who was present during the conversation with Dr. Newell and was a party to the transaction? And everybody knows that the command of the two Commissioners was for the purpose of having the Mayor's attention called to the inferior quality of the articles. But of course Mr. Flanders didn't dare to go at that time, because he was afraid he would lose the trade. It was a matter of dollars and cents with him.

Now, there is one other piece of testimony that I don't wish you to lose sight of, on page 2043. I don't want that to escape your notice. Here it is, speaking of the two doctors — Dr. Cogswell, then on Deer island, and Dr. Roche. The witness had been testifying about whiskey, Game Cock Whiskey, etc., and he was asked if there was anything peculiar about that brand. He answered:

I don't know as there is about that, it smells very strong, sir, as far as that is concerned. Then, during that summer, on my night's work, this Dr. Roche, Dr. Cogswell, and two other friends of theirs, took the "Vigilant" and went down to Hotel Pemberton. They came home between 3 and 4 o'clock in the morning happy-go-lucky, full as a tick, all they could do to walk up the plank-walk.

Q. All of them?

A. All four of them, and I made the remark about that when I went back to the office, and Spalding, if he was alive, would say the same thing. I told Spalding the very morning when I saw that, and Spalding said, "They find fault with me drinking rum, but they don't find fault with drinking rum."

themselves." Then after awhile they had another vacation on the "Vigilant," went to the Hotel Pemberton and had another supper and came home at 3 or 4 in the morning, and came, as I say, full.

Dr. Cogswell and Dr. Roche have listened to that testimony and they have remained silent and are silent now.

Then on pages 2040 and 2041 you will find the evidence with reference to the sale of whiskey upon the island — first, in regard to carrying down that brand of whiskey, then the number of cases that were sent down, the number of bottles taken out, and how easily the officers obtained those bottles, one of them having six in his room, I think. I now reach the case of Frank Jones. You remember that case, and I only touch upon it for the purpose of showing the fact that negligence seems to permeate not only the public institutions under the Commissioners but our Police Department, and, I am afraid, all our departments. It brings to our minds the necessity of keeping up constant vigilance. Here was a man who, by reason of sickness, was advised by the doctors to enter our hospital. He did so on the 28th; his sickness became worse, and on the 29th, he left the hospital without consulting the authorities there. Later on in that day, near the corner of Chambers and Cambridge streets, he was found acting peculiarly, and the officer who saw him took him to the station-house, because he thought he was under the influence of liquor. The man was not, the man had not drank a drop — was a decent, respectable man. He was locked up that night of the 29th and the next night sent to the City Prison in the Court-House and kept there until the 31st of the month — two days. During those days Dr. Jelly was called and pronounced the case one of — it has slipped my mind now, but you remember what Dr. Jelly pronounced it. It was, of course, a wrong diagnosis, and Dr. Jelly was just a big enough man to say that he probably did make a wrong diagnosis, and if he did he was sorry for it. He called it delirium tremens when he was suffering from epilepsy or something of that kind. f

He was sent down to the island, and on the 6th of November he died, and they said his death was caused by pneumonia. Well, about his person were many letters and papers giving his address and the address of his wife and friends. Those papers were put in a large envelope and put by, by the doctor and the officer in charge, and no word was ever sent to his relatives or friends. Some four months after, when he was discovered after a long search, when the man was traced, the officer down there was asked why he did not send to the relatives. The reply was, "Why, it isn't our business to go about tracing relatives. That is none of our business. He died, and we buried him."

What I am getting at is this. It seemed that during the search the wife of the dead man, among other things, thought about the Police Department, and she sent a letter to our Superintendent Eldridge, and a good superintendent and a good officer. That letter was sent, I think, some three months after the man had left the hospital and some two or three months after his death. You remember the reply of Superintendent Eldridge. Tersely stated it was to the effect that the last heard of her husband he was at the Massachusetts General Hospital.

Now, just think of it, gentlemen. He entered the hospital on the 28th. There was a record of it there. The superintendent of police had learned that. On the 29th he was booked at the Joy-street station, and that was a matter of record, under the superintendent. On the 30th and 31st he was booked at the City Prison, and that was directly under the superintendent of police, and the next day he was sent to Long Island, where he died. Now, this superintendent, in response to a letter asking for information sits down and says that no traces of her husband were to be had since he left the hospital, whereas in the Police Department there was record of that man's incarceration in two places — the Joy-

street station and the City Prison — later in each case than that at the City Hospital.

What does it mean, except this, that the minute the letter came to the superintendent it was handed to some underling, a superficial search was made, then the letter was written, and that was the end of it?

That shows you how negligent our officials, even the best of them, may become. Now, all this, of course, is significant of a general neglect everywhere.

I now come to two of the most serious things on the island. I mentioned murder as among the charges, and I did so seriously. In the first place, in dealing with the islands, in my judgment at least three murders have been committed. They may not have been legal murders except in one case, but all of them are moral murders. In the first place you remember the case of the McDonough woman on Long Island. That woman was in the pains of childbirth at 3 o'clock in the afternoon. You remember the place she was confined in, and the doctors were notified. Dr. Cogswell was in charge then as now. Dr. Dever was under him. The two doctors had notification of her condition. She might give birth to a child at any time. They left her with a nurse who, I think was a promoted pauper. I am not sure about that, but it is my impression that that was the case, and the doctors when night came went to bed. The poor woman gave birth to a child at 2 o'clock in the morning, or eleven hours after labor set in, and the nurse attended her and cut the cord. It was more than twenty minutes after the birth when Dr. Dever was aroused from his sleep, and he then did the best he could. The woman was in convulsions. She died within six hours, at 8 o'clock in the morning, and then, when Dr. Cogswell, after being aroused from his sound sleep, learned it, — and that was long after the sun had risen, — he spoke to Officer McCaffrey and said, "That is too bad. If the doctor had been called twenty minutes earlier the woman's life would have been saved." Turn to the testimony — don't let me misquote. Then he said significantly to McCaffrey, "Don't you say anything about it, it might cause trouble."

Now, I put it to you, Mr. Chairman, and to all of you, what would you say if it were wife, sister, or daughter of yours or anybody that you knew and respected — any human being, for, after all, the sky is but the roof of a single family. We are all under that sky.

Was it murder or was it not? Drs. Dever and Cogswell will never answer at the bar of public justice for that crime, but some day, whether they believe it or not, they will answer before a higher and a juster Judge than earth has yet known.

That is murder No. 1.

Murder No. 2 was on Deer Island. Think of it! Listen to the testimony of Mr. Pilsbury the other night — a fair and honest man — how adroitly the Commissioners put him on the stand, although his term of service was for but two years and a few months, while that of the other Commissioners was very much longer. He said that, as far as he could learn, it was simply this: Two old men, feeble old men, who were convicts, were in the cellar of a building. Neither one had any animosity against the other; that without any cause, so far as can be ascertained, one seems to have killed the other, because when the officers discovered it, went into the cellar, they found the dead body of one of them, and they found no trace of the other. Now, then, what became of the other? — for, mark you, the man who did the killing was a poor old man, a feeble man. I wish that all the Aldermen, including Alderman Lee, in making up the report, would just think of this case — a feeble old man who survived, and the Commissioner says when asked what became of him, that there was no trace of him. "What became of him?" — "Well, I don't know. He probably jumped overboard."

"Well, but if he jumped overboard, that is months and months ago, and the sea gives up its dead?" — "But the sea didn't give up its dead." No, Mr. Commissioner Pilsbury, the sea did not give up its dead, nor will it ever, — never, never, never, — because the sea does not contain it. Oh, no! There was no other means of escape except to pass the bridge, where the entrance was guarded by the officer, who was off, — mentally off, — at times. If he passed there somebody might have traced him. He couldn't run, for he was an old and feeble man. If he did the killing, the marks of blood, of bloody hands, would have been found on the walls or somewhere around the institution, or along the road-tracks would have been traced. We lawyers who deal with murder cases better than any other class of men know that murder will out. It is the one thing that even the grave does not cover. No, oh, no! That old man never killed the other old man. There was no motive for it, there was no strength for it, and the best proof that it was not done in that way is the fact that you have no trace. But this fact — and it is all that has been proved to our satisfaction — remains; a man, a convict, was killed. How killed? I can imagine how easily he might be killed. If an officer, a drunken officer, were there — for you know they have been there and I am afraid they are yet — that drunken and brutal officer, a man of bad temper, a man who lacked prudence, might in a fit of anger or a fit of drunkenness have struck the old man, for the man killed was an old man. The other old fellow is a myth — he didn't exist. If he did, he wasn't there at the time. The officer might have struck him with no intention at all of killing him, but you know how easy it is to take away human life. Sometimes a sturdy blow won't have any visible effect; oftentimes a trivial blow will kill a strong man. You remember the incident on Cambridge street, within a few months, where a very trivial blow given by a man of ordinary strength killed another fellow, who was a strong man.

Do you think that when Professor Webster killed Dr. Parkman he meant to kill him? I don't think he did. I don't think any lawyer who ever read the case thought so. Webster was a man who didn't care much for money, and I think Parkman was a man who insisted on his pound of flesh. Webster became finally exasperated by the language addressed to him, and the result was that he pushed the old man who struck against something and was killed. And then the professor tried to do away with the body, so that he might make away with all traces of the crime. He tried to do it, but he was not so successful as they were on Deer Island.

I am only putting a case. I say that that did not happen as the Commissioners say it happened. I tell you that the prisoner could not escape in the first place — the old, feeble man. He could not get away without being detected; while after the officer realized that in a moment of temper and indiscretion he gave a blow which he thought would not hurt, and which resulted in death, how easy it would be for him before anybody discovered that a crime had been committed to select some prisoner who was not there at all and say, "Here, you are a good fellow and ought not to here now. I like you, and of course you don't object if I give you a chance to pass this man here." And so he is allowed to go. When he goes he knows nothing about any murder or tragedy on the island, and the next morning when it is found that the prisoner has gone and the murder is committed the howl is set up that one convict killed another.

How often does one man kill another in our community here and escape? How often is that done, without his leaving any traces behind? The whole thing is absurd.

And if they say the discipline is now good, I say it is bad. It is as bad as can be. If the discipline was good that thing could not happen.

Tell me, Mr. Superintendent, if your discipline was good at that time how came it that two convicts were down in the cellar and one was allowed to kill another and then the one who did the killing was allowed to escape, leaving no traces behind? Oh, no! Oh, no! that won't do.

Well, there was another man killed, and I think this was murder, too. A poor colored man afflicted with insanity was sent down there for observation. He was not a prisoner, he was not a convict, he was not a fugitive from justice. He had committed no crime. He was afflicted by the hand of the Almighty. He was sent down there for observation. Not knowing what he was doing he jumped out the window and made for the water, and the officers seeing him, as they thought a felon, a fugitive from justice, fired at least two shots, by the testimony, at him. But he was in the water when they fired. Now, the popular impression was that he was hit. But they say he was drowned. He fell in the water, and when they got his body life was extinct. They say there were no bullet wounds upon the body. I hope not. We know nothing about it because we have not seen the body. They say he died of heart disease. I say if he was not struck he died from fright. I say, Mr. Chairman, that if your child or if anybody, no matter whether one of tender years or an adult, having committed no crime, being sane or insane, not being a criminal, is trying to get away nobody has a right to stop him — certainly not to the extent of firing at him. The law only gives an officer the right to do that in the case of a fugitive from justice, which this man was not. And I say if a man runs into the water, being frightened by shots and attempting to get away from the shots, falls and is drowned, that it is murder. I say, first, it is moral murder, and as a lawyer, I say it is legal murder. That is another instance of the good order and the discipline that is maintained in that institution today. I am not saying that the superintendent is responsible for it — far from it. I should be sorry to criticise him personally, because I know nothing against him and I have seen and heard many things in his favor. I can tell you that his appearance is probably not the only thing in his favor, either. But he has not the proper sort of help and has not the proper sort of support, and, like other superintendents, he is only the servant of a higher power, and the Commission itself is made up of servants of a higher power. By and by we will place the responsibility where it belongs.

But, if the testimony in reference to Drs. Cogswell and Roche be true, about their being seen in an intoxicated condition twice, then that testimony is most damnable. If it be false, you will agree with me, every one of you, that it ought to be contradicted. You cannot say that those principals were shut off, because they have been here all the time, and we tried to get the superintendent on the stand, as well as Mr. Devlin, and nobody stopped them from going on the stand. And nobody knows the rules of criminal law better than Brother Proctor — certainly nobody of his years — and nobody around here understands fully the force of this testimony better than he. And yet, in the face and eyes of these dreadful accusations, these men are silent and refuse to take the stand. I say "refuse" — I use the term advisably. It will not do for them to say they didn't have time. They frittered away night after night in cross-examination of our witnesses, and I think purposely for the sake of wasting time, and frittered away night after night with such witnesses as the doctors who were brought here, Dr. McCollom and a number of others, all of them good doctors, calling them to show the condition of Long Island. And yet it amounted to just this, that Dr. Fitz, a man standing high financially and socially and almost of the *dilettanti* — Dr. Fitz, who is rarely brought in contact with the mass of his fellows, and who probably doesn't wish to be — Dr. Fitz,

superbly groomed and nicely gloved and perfumed — went down there and spent thirty minutes, half an hour, upon the island going through the institution, giving a side glance at the hospital and its equipment, and then they call him to stand and get him to say that, so far as he could see, it is a splendid institution, and, considering its surroundings and its purposes, it couldn't be improved; and then the lawyers lie back, and their clients at the same time, and they say — "Just look! See what splendid proof we are giving, or rather, how we are coming it upon this committee!" That is the way they pass the time. And then when the time fixed for ending comes, they say, "Oh, we haven't got time to call the superintendent, the master of the House of Correction, the Commissioners, and the other officers down there to answer those charges, and while we regret it very much, yet we will not trouble the Investigating Committee. And we thank you, gentlemen, for your attention, and you see at a glance by our conduct that we are innocent, and you should make a report of that kind."

Gentlemen, if accusations were made in court and proof of this kind given, if the defendants remained silent and refused to call any of the witnesses, and it went to the jury, they would be convicted about as soon as the jury could get together and make up their minds and come back, and the whole thing wouldn't take five minutes.

There was one thing in regard to Long Island that was not referred to, which is amusing and significant. You remember the explanation in regard to the closet there used by the inmates, the men, and you remember the incident where Commissioners Devlin and Newell went down there and inspected it. Dr. Newell was shocked and said to Commissioner Devlin, "Look here, go in there and see the place they are using," because you know it was given in testimony that one of the old men had fallen into the vault and after a great deal of trouble had been pulled out, I can assure you not very clean when they got him.

The Commissioner went in and was not in there many minutes when he came out, and as soon as he came out he got sick and the doctor had to come to his assistance and asked what the matter was. Commissioner Devlin said, "It is horrible. I never smelled anything like it, and was never in such a place before in my life."

That is testimony that Mr. Devlin must be familiar with. He was there with Dr. Newell and knows that it is true, and he will not deny it.

You know the case of the little humpbacked boy who could not keep food on his stomach, and that he used to wet the bed because the Commissioners had refused to send chambers down there. Well, this is a place where they house the poor and unfortunate: one of the witnesses, Dr. Parker, has sworn that Dr. Cogswell designated them as animals. I hope for the sake of our common humanity that Dr. Parker is mistaken. I don't think Dr. Parker would tell a lie, but it is easy to make a mistake. Oh, I do hope that that is not true — that a man brought up as Dr. Cogswell has been, a man of his intelligence and of his ability — because ability shines forth through every line of his paper — oh, I do hope he does not think these poor unfortunate human beings, who perhaps might have stood as high as he under as favorable circumstances as his, — I hope he does not think they are animals. No, they are human beings.

I did wish he would get upon the stand and explain that. Now, when you come to go over the testimony if you will turn to the description given of Father McAvoy's visit to the hospital and its condition, where he could get nothing for a light, I believe, but a lantern that somebody loaned him, there being no means either of sending a message to any clergyman in case of sickness or death, at any time when a clergyman should be called for — I think you will feel that something should be done in regard to those matters. All this has been dwelt upon and I leave Long Island with a simple reference to Dr. Cogswell. Some-

thing has been said in regard to the strength of Dr. Cogswell's statements and in regard to his veracity. For his sake I hope that both suggestions are true. But I desire to call your attention to this: You remember the special report made by the Board of Visitors, and you remember Dr. Cogswell's answer to that report to the effect that both were put in a sealed envelope and handed to the Board with instructions not to open the envelope until this investigation was over. Among other things stated in the special report was a statement by Mrs. Evans — and it is needless to speak of that woman's standing or her veracity or integrity — where she described the poor old women in the hospital. She found them there in the month of January without any flannel underclothing, and she called it to Dr. Cogswell's attention; and you remember that it was some time before she succeeded in getting the flannels sent to them. That was mentioned in the report, and in answer to Dr. Cogswell, said — for he took the charges up *seriatim* in their orders, and, (there is no use mincing matters) I admire his English, but I am wondering at his audacity — “This statement is false and the one who made it knows it.” There was a direct charge of falsehood placed at Mrs. Evans's door. It was equal to saying to the lady, “You lie, and you know it.”

Now, gentlemen, do you believe that Mrs. Evans told a lie and that Dr. Cogswell told the truth? Why, there cannot be the minutest doubt as to where the truth is and where the lack of it is. I say that all Dr. Cogswell's statements and all his assertions must go with that statement, because the old maxim still holds, “*Falsus in uno, falsus in omnibus*,” — that is, false in one thing, false in all. I am willing to test Dr. Cogswell's veracity by that statement, am willing to put Dr. Cogswell and Mrs. Evans face to face, and if you find she has told the truth, that disposes of every particle of Dr. Cogswell's testimony.

I said to you that silence was confession.

Colonel Whiton, Mr. Gerrish, Mr. Devlin, Dr. Roche — all of them have been kept off the stand.

Somebody has wondered why Dr. Jenks, the chairman, has not testified. I have never wondered; I do not now. I know Dr. Jenks, have known him for many years, and I have been glad to look upon him as a friend. I wish to speak of the man, of every man, as I find him. I know Dr. Jenks to be a man of extraordinary ability, a man of remarkable courage, a man who has the puritanical instinct at its best; for if he had lived a couple of hundred years ago, he would have been worthy to have stood by the side of Miles Standish — he has every one of his traits, and perhaps more. I believe Dr. Jenks to be an honest man, and it is because he is an honest man that he has kept off the stand. Dr. Jenks would not come here to lie. He wouldn't lie for anybody, and he knows that many of the statements made here, notably in reference to the food, in reference to the abuses, in reference to the violation of law as to the letter-box, in reference to the violation of decency as to the vermined clothing — he knows that in the main the charges are true, and therefore Dr. Jenks wouldn't lie. He wouldn't lie for anybody — he is an honest, able, fearless man.

But you may say, “If all this be so, how do you account for the dreadful abuses?” Why, Mrs. Evans accounted for them very vividly the other night. When a man reaches the age of fifty, it is hard to break him of his habits. Dr. Jenks' entire life has been given to finance, and he has had nothing to do with people of the kind sent to our institutions until he got upon the Board of Commissioners. Now, I don't know that Henry Grattan ever said a more terse or a more true thing than when he spoke of Henry Flood, and his failure in the British Parliament, — for you remember of Flood, who was a very eloquent man, and figured notably in the Irish Parliament, and after the Union passed over and became a member of the English Par-

liament. The House was crowded to hear his eloquence, to watch his oratory, and listen to it. But they were a little disappointed, and when the news came to Grattan, he said, "Ah, you cannot transplant an oak at fifty." You cannot. You cannot change a man at fifty. Dr. Jenks has carried out faithfully and well the demands and the orders and the purposes of a higher authority — of the Mayor. He has been kept on that Commission against his will, for he tendered his resignation long ago, because of his great financial ability. It was not with the Mayor, I am sorry to say, in my judgment, so much a question of humanity, as of dollars and cents — making a good financial showing. But that, as we know, is all wrong, and it is against the spirit of the age.

I can say so much for Dr. Jenks, and, in my judgment, that is the reason, and the very reason, why he kept off the stand. I wish the doctor were here, I am sincerely sorry that he is sick, but I would like to call his attention — and that is why I wish he were here — to one of the most beautiful as well as one of the shortest stories in our English tongue, as dainty a morsel as ever came from the delightful pen of Leigh Hunt. I think if the doctor will study it that it will bear fruit:

Abou Ben Adhem (may his tribe increase!)
 Awoke one night from a deep dream of peace,
 And saw, within the moonlight in his room,
 Making it rich, like a lily in bloom,
 An angel writing in a book of gold:
 Exceeding peace had made Ben Adhem bold,
 And to the presence in the room he said,
 "What writest thou?" The vision raised its head,
 And with a look made of all sweet accord,
 Answered, "The names of those who love the Lord."
 "And is mine one?" said Abou. "Nay, not so,"
 Replied the angel. Abou spoke more low,
 But cheerily still; and said, "I pray thee, then,
 Write me as one who loves his fellow-men."
 The angel wrote and vanished. The next night
 It came again with a great wakening light,
 And showed the names of those whom love of God had blest,
 And lo! Ben Adhem's name led all the rest.

If the doctor in the future will give less thought to finance and more thought to the misfortunes of his fellow-men, I am sure that his place upon the pages of the recording angel will be more satisfactory to him in that light to come which none of us can escape, and none of us should wish to escape, than his showing upon the financial ledger.

In regard to one other gentleman who has appeared here I wish to say this: The keeping of the records have been much in dispute. You know very well by the testimony of Dr. Newell and Mr. Prescott and then by the testimony of General Donohoe and Commissioner Pilsbury, that those records were not regularly kept and that the rules for the transaction of business were being constantly broken, and that Dr. Newell's charges were true. General Donohoe was on the stand and tried to explain things as well as he could. We know, gentlemen, that General Donohoe would not tell an untruth for anybody. We know him to be a prominent citizen, an honest man, and a brave soldier. We know that nothing we could say in his behalf would be too much. All the criticism I can make or would make is that like his service in the army, faithful, honest, and true — so has been his service to the Commissioners. Whatever they did he was willing to obey orders. And so, gentlemen, General Donohoe is not responsible for anything.

I forgot in passing to speak of the other thing, to use the expression of a friend, a "phantom funeral." You remember the case of the poor lady who went down there to get the body of her father and found that the wrong body was delivered to her. At all events, she didn't get the

body, and was put to the expense of getting an undertaker and carriages and then nobody would reimburse her. That only proves the carelessness with which those things are done.

I think, gentlemen, that I have covered the case as well as I could, considering my engagements in the courts and elsewhere. I wish that I could have given the time to put my argument in a symmetrical way, because I then could have abbreviated it very much. But we cannot always control events.

Now, Dr. Newell has been savagely attacked. If any man ever should be blessed Dr. Newell certainly should be. He went upon that Commission determined to devote his energy, his talents, and his time to raising the institutions up, to making them what they should be. He did not shirk any work at all, and the trouble was that he ran counter to this miserable financial policy of boarding paupers for \$1.60 a week, incurred the wrath of the powers that be, and was decapitated. Dr. Newell lost his place, but he does not regret that. He can get along without it. Dr. Newell merely lost his place, but he gained something far better. He gained the esteem, the affection, and the gratitude of his fellow-men, and to-day he has the benediction and the blessings of the numberless unfortunate poor. I had sooner wear that than wear an emperor's crown.

Now, this Commission has the expenditure of between \$600,000 and \$700,000 a year. It is too much of a strain to put on any member of the Commission, or all of them together. There should be a regular purchasing agent who should be responsible for everything, and who should have that to attend to, who should have the duties of purchasing all the goods, and the business of the Commission should be run in a systematic way. While \$600,000 or \$700,000 a year is a large sum, yet the citizens of Boston are public-spirited enough and humane enough to make it double that if it should be necessary. The desire of the people of our good city is that the unfortunate paupers, convicts, and insane shall be treated in accordance not only with the progress and humanity of our age, but with what we deem a little better—in accordance with the philanthropic ideas and the sentiments arising from the great hearts and kindly souls of the good people of Boston.

Boston is and has been in the forefront in all things of this kind, and do you think, gentlemen, that she desires to lose her position now? No; she is determined to forge ahead.

I pray you to so consider this evidence as to reach a just and truthful conclusion. Do not shield anybody. The truth is of more consequence than the welfare or the fate of any individual. The truth you should get at, because if you fail in that respect to-day, another committee may fail in another respect to-morrow, and you will set a bad precedent.

Get at the truth in this thing. Insist that our institutions shall be brought up to the plain where we desire to place them; insist that they shall be properly officered, that they shall be properly run; that they shall be all that the foremost Bostonian desires them to be; and don't undertake to shield any officials or any individuals.

I said to you some days ago that if this investigation should result in simply turning some men out of places and filling the places with others, and nothing else should be done, I should regard my services here as an absolute and entire failure. We are not seeking the punishment of any men; we do not desire to injure any set of men. We desire to have a radical change in the public institutions: in their tone, in the manner and spirit of conducting them, and we desire, also, to have a new House of Correction, and insist that the time has come when the public will demand it.

Gentlemen, I might say that I thank you for your patience with me and the attention you have given me, not only to-night, when I have been more tiresome than ever, but all through this investigation, when

perhaps my earnestness in the cause may have led me to appear in a wrong light, may have led you to think that I was going too far, because any words would be too feeble to express what I felt. You have been patient, all circumstances considered; you have been not only just, but generous.

My last words to you, gentlemen, are simply these — that no matter what may happen to individuals, do, for the sake of humanity, for the sake of our city, our State, our nation, for the sake of your own conscience, for the sake of the common brotherhood of man — do reach a just result and do let the world know that as soon as Boston has discovered abuses in her institutions she was only too ready, willing, and quick to remedy them.

Many a good Bostonian has bowed his head in shame and said, “ Ah, that this thing should happen, that the people of other cities and other sections should point their fingers at Boston, and say, ‘ Look at her ! See what she has done, see how she has fallen ! ’ ”

I pray you, gentlemen, to apply a speedy and adequate remedy.

(This closed the hearings, and the committee adjourned at 11.54 o'clock P.M.)

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for Commissioners of Public Institutions, Mr. Edwin U. Curtis and

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for Col. John C. Whiton, Mr. Thomas W. Proctor.

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REPORT
OF
SPECIAL COMMITTEE OF COMMON COUNCIL
RELATIVE TO
SIDEWALKS IN OUTLYING WARDS AND IN
PEMBERTON SQUARE.

IN COMMON COUNCIL, January 3, 1895.

The special committee of the Common Council appointed to look after the sidewalks in the outlying wards, and to whom was referred the order requesting said committee to consider and report what action is necessary to enforce the ordinances so as to provide that the sidewalks in Pemberton Square be kept free from obstructions, respectfully submit the following

REPORT.

The committee made several visits to different sections of the city, and were impressed with the fact that the subject is one of considerable importance. In the outlying districts the demands for suitable sidewalks are so numerous, and the necessity for these sidewalks is so great, that your committee are of the opinion that this subject should be made one of special inquiry by the City Council of 1895. In the outlying sections your committee are of the opinion that plank walks should be more extensively put in use as not only being

cheaper than the edgestone, gravel walk, but owing to the nature of the soil can be kept much cleaner during all seasons of the year, and kept in repair at a much less expense than the ordinary gravel sidewalk.

The committee, in making this statement, recognize that some of the engineers in our Street Department may take exceptions to their views, but they believe that a carefully prepared statement of all the facts based on practical experience rather than on engineering theories will substantiate their position. Of course the committee are willing to admit that an edgestone, properly gravelled sidewalk that is on a level or nearly so can be kept in repair cheaper than a plank walk on the same level; but a grade more or less steep prevails in our outlying streets, and the damage caused by heavy storms on these sidewalks is much greater than it could possibly be on the plank walks.

However, without recommending distinctly the exact style of sidewalk, your committee do insist that the subject is of such importance as to warrant the early and careful attention of the City Council.

Another matter that was very prominent and almost universal was the system of stop-cocks introduced by the Water Board some few years ago on almost every sidewalk in these districts. These stop-cocks are so constructed as to form a decided defect in the sidewalks. In almost every instance, except where the sidewalks are of brick, the cover of the tube protrudes so that at night, except in close proximity to a light, they are certainly obstructions, and immediate attention should be given to so remedying their construction at the surface of the sidewalk as to eliminate all elements of danger to the pedestrian, and this could be done by the systematic construction of these covers from a practical standpoint. The committee would recommend, however, that suitable sidewalks be constructed in front of all city property in the outlying districts.

In regard to the obstruction of sidewalks in Pemberton square, your committee are of the opinion that such action as may be necessary should be taken by the Law Department to have the sidewalks in Pemberton square kept free from obstructions. During the construction of the new Court House, the system of using the sidewalks in Pemberton square for the storage of merchandise was tolerated, but now that the Court House is finished and Pemberton square has become a very important thoroughfare, your committee are of the opinion that some action should be taken to keep these sidewalks in a proper condition for public travel.

The committee therefore would recommend that so much of

the report as relates to outlying sidewalks should be further considered by the City Council of 1895, and so much of the report as relates to the obstruction of sidewalks in Pemberton square be referred to the Law Department, with a request for its opinion as to what mode of procedure is necessary to keep said sidewalks free from obstructions and in proper condition for the use of pedestrians.

For the Committee,

MARK H. LYNCH, *Chairman*.
WM. H. MARNELL,
WILLIAM BERWIN,
ALBERT WISE,
ALBERT C. SMITH.

IN COMMON COUNCIL, January 3, 1895.

Accepted, and ordered to be printed.

Attest:

JOSEPH O'KANE,
Clerk of the Common Council.



REPORT
OF
SPECIAL COMMITTEE OF COMMON COUNCIL
ON SUBJECT OF
RECLAMATION OF MARSHY LANDS IN WARD
TWENTY-FOUR.

IN COMMON COUNCIL, January 3, 1895.

The Special Committee of the Common Council appointed to consider the subject of the reclamation of the marshy lands in Ward 24 beg leave to present the following report :

Your committee found that many of the fresh-water swamps heretofore existing had been eliminated, or were rapidly disappearing through the individual effort of private enterprise, necessitated, of course, by the extensive building operations going on in this ward, and that, together with the work of the Park Department on Franklin field, with its magnificent system of under-drainage, had, with two exceptions, practically relieved Dorchester of the worst of the fresh-water marshes.

The two exceptions noted above are the "clay pits" on Park street, in rear of the West End Railway's car-sheds, and "Churchill's swamp," so called, extending from Dorchester avenue to Washington street, adjacent to the Codman-street cemetery.

Other pest-holes were, of course, noticed, but none in such close proximity to any considerable number of dwellings.

Your committee believe that the drainage of the first-mentioned locality is a problem which entails more or less

engineering skill, and that its solution would not only remove a standing menace to the health of Dorchester in this particular spot, but would also drain a large section of land to the west, known as the Wells farm, rapidly being covered with high-cost houses, as well as the property extending to the north, where houses have been and are being erected by the Workingmen's Building Association.

With this in mind a request was made on the City Engineer several months ago to furnish an opinion as to the feasibility of draining the "clay pits," and its approximate cost. We regret to say that after having been referred to the Committee on Health, and after having lain dormant there for almost an entire year, this honorable body received the astounding information at its last meeting that the order "ought to pass." Your committee are therefore at a loss to submit to you any expert opinion and figures on the subject, which it hoped to receive from the Engineering Department in relation to this almost criminal state of affairs allowed to exist in this section.

Regarding the place known as "Churchill's swamp," we have to say that the municipality last year constructed through it a sewer, taking therefor a strip of land sixteen feet wide. Your committee recommend that the attention of the new city government be called to the advisability of purchasing this marsh, if the property can be secured at a fair price, and converting it into a playground, which could be flooded for skating during the winter. It would accommodate a section of Dorchester which is situated as far from the recreation grounds afforded by the Franklin and Town fields as South Boston is from the Common, and without the latter's advantages of transit. The city has, moreover, for the past few years rented for a playground a pasture known as the "Nightingale field," which is both unsuitable and unsatisfactory. The neighborhood is largely populated by chocolate and paper mill operatives, whose working hours do not admit of much travel to distant fields for athletic entertainment.

Further than this, the Convalescents' Home of the City Hospital is near by, and it is the opinion of your committee that whatever noise might arise from the boys' sports, were this marsh converted into a common, that the inmates of the home would prefer it to the myriads of mosquitoes the swamp now breeds, or the delicate perennial odor of the "*Symplocarpus Fœtidus*" which here finds a congenial habitat. In fact, we would here interpolate the advisability and economy in providing commons for the people while land in this ward is comparatively cheap, that the expensive experi-

It is estimated that the loads average 43 cubic feet, giving the amount collected as 119,496,140 cubic feet.

The Street Department states that of the amount collected last year about 27 per cent. was carried to sea and dumped. As the increase in collections must have come chiefly from the growth of the suburban districts, it is safe to say that at least 25 per cent. of this enormous amount of the very best filling has been absolutely wasted for the last ten years, and the city put to actual expense to accomplish even that. With this basis of figuring, 29,874,035 cubic feet have been lost in the sea. Some allowance must be made, of course, for the light bulky stuff included in stove dirt. Estimating, however, the filling required along Dorchester avenue at an average of six feet, we find the waste, even in the last year, would have brought into the real-estate market from 10 to 14 acres of solid land, and for the whole period from 100 to 115 acres might have been reclaimed. And yet we are told that it is economical to dump it in the sea. Possibly for the appropriation for the Sanitary Division, but not for the city.

It is no farther for the scows to traverse Dorchester bay or tow up the Neponset river than it is to go down outside Boston Light, and your committee believe some system of travelling buckets, as used in the Sewer Department, might be devised to empty the scows and deposit their contents at considerable distance, if necessary, from the nearest point accessible by water.

We strenuously urge that the new city government check this waste in the Street Department.

We are positive that the extra expense incurred at the start will soon be repaid in higher tax returns from the improved property.

We feel that it is a sanitary measure and well worth the renewed attention of the members of this body who are also to serve in 1895.

All of which is respectfully submitted.

GEO. I. ROBINSON, JR.,	<i>Chairman.</i>
WILLIAM H. MARNELL,	} <i>Committee.</i>
EUGENE A. REED, JR.,	
PATRICK E. RIDDLE,	

IN COMMON COUNCIL, January 3, 1895.

Accepted, and ordered to be printed.

Attest :

JOSEPH O'KANE,
Clerk of the Common Council.



REPORT OF COMMITTEE ON CLAIMS,

SUBMITTING

LIST OF ALL CLAIMS

ACTED UPON BY THE COMMITTEE DURING THE
YEAR 1894.

IN COMMON COUNCIL, January 3, 1895.

The Committee on Claims submit herewith to the City Council a list of all the claims upon which they have taken action during the year 1894, and respectfully recommend that the same be printed as a city document.

For the Committee,

M. W. NORRIS.

Accepted, and recommendation adopted. Sent up for concurrence.

IN BOARD OF ALDERMEN, January 3, 1895.

Concurred.

CLAIMS RECOMMENDED FOR SETTLEMENT.

Date.	Name.	Cause.	Amount.
May 15	George B. Appleton .	Personal injuries	\$250 00
June 12	Amelia Basch	Personal injuries	150 00
Sept. 7	A. Baumeister	Damages by fire apparatus	9 50
May 4	Rebecca Borofsky . .	Personal injuries	50 00
March 20	Alice Brady	Personal injuries	150 00
March 13	Henrietta U. Brown .	Damage to clothing	30 00
Jan. 20	Ella L. Browne	Damage to dress	25 00
Nov. 2	Francis Cahill	Personal injuries	300 00
April 13	Helen S. Carpenter . .	Personal injuries	150 00
June 12	J. Narcisse Charland .	Personal injuries	150 00
Feb. 6	Thomas Clougherty . .	Personal injuries	150 00
March 27	Agnes L. Cochran . .	Personal injuries	75 00
Jan. 20	Codman & Freeman . .	Damages from bursting of water-pipe .	57 68
March 6	James Coffee	Damage to property	65 00
March 13	Margaret T. Corkery .	Personal injuries	150 00
Oct. 12	Frank H. Cowin	Personal injuries and damage to buggy .	125 00
Feb. 23	Albert M. Coy	Personal injuries	125 00
Sept. 18	Alice Crane	Personal injuries	100 00
Sept. 18	Sarah Crowley	Personal injuries	100 00
March 2	Kate Cullinane	Personal injuries	200 00
May 11	M. M. Cunniff	Damage to estate	400 00
March 6	Addie V. Cussen . . .	Personal injuries	350 00
Dec. 4	Mary Daley	Personal injuries	400 00
Jan. 1, '95	Frederick S. Davis . .	Damage to property	50 00
April 3	J. H. Davis	Work on Horace Mann School	30 00
Jan. 26	Henry C. Derby	Injury to horse	100 00
March 27	Catherine Dever	Personal injuries	300 00
Jan. 20	Thomas Dolan	Damages from bursting of water-pipe .	125 00
Sept. 12	Nellie F. Donahue . .	Personal injuries	125 00
March 20	Margaret Donovan . .	Personal injuries	100 00
Oct. 5	Margaret Donovan . .	Personal injuries	350 00
Sept. 14	Michael Dorgan	Personal injuries	300 00
May 29	Mary A. Duffy	Personal injuries	250 00
May 1	Michael F. Dwyer . . .	Work on Orient Heights School	175 00
Jan. 20	Edward Enslin	Damage by construction of sewer . . .	19 00
Sept. 12	Thomas Fallon	Personal injuries	100 00
Jan. 26	James Farrell	Personal injuries and damage to coupé .	65 00

CLAIMS RECOMMENDED FOR SETTLEMENT. — *Continued.*

Date.	Name.	Cause.	Amount.
Feb. 20	Fred C. Finigan . . .	Personal injuries	\$100 00
Jan. 20	John Fink	Damages from bursting of water-pipe .	10 00
June 6	First Baptist Church & Society, Dor'ter .	Damage for land taken	300 00
March 20	Maria Flaherty . . .	Personal injuries	350 00
Jan. 26	Daniel W. Ford . . .	Personal injuries	250 00
Feb. 13	John Ford	Personal injuries	300 00
April 6	Michael Fox	Personal injuries	150 00
May 25	John Fritz	Personal injuries	150 00
Jan. 20	John Gately	Damages from bursting of water-pipe .	15 00
Oct. 16	Bridget Gavin	Personal injuries	500 00
June 6	Gibbs & Co.	Damage to wagon	6 00
Nov. 16	Charles A. Gilbreth .	Damage to wagon	10 00
Jan. 1, '95	Austin Gove & Son . .	Damage to building	19 59
Sept. 25	J. Green & Co.	Damages by fire apparatus	55 00
Sept. 7	Louisa P. Hanson . .	Personal injuries	500 00
Jan. 26	James Harrington . .	Damage by bursting of water-pipe . .	15 00
Feb. 2	Hawes Brothers . . .	Injuries to horse	19 00
Nov. 27	Julia Holmes	Personal injuries	100 00
Sept. 7	James Hughes	Damages by fire apparatus	10 05
Oct. 23	Fannie Jenness	Personal injuries	100 00
June 12	Jerome & Cleveland .	Damage to wagon	16 00
May 29	Agnes G. Kelley . . .	Personal injuries	250 00
March 13	Jane F. Kelly	Personal injuries	100 00
Jan. 20	Mary Ann Kelly . . .	Damages from bursting of water-pipe .	25 00
Jan. 30	Sarah E. Kenney . . .	Damage to estate	75 00
Jan. 20	William Killion . . .	Damages from bursting of water-pipe .	15 00
March 13	Lizzie Kimball	Personal injuries	175 00
Sept. 7	J. C. W. M. Koehler .	Damages by fire apparatus	16 95
Jan. 23	Mary Lally	Personal injuries	125 00
July 6	Justus H. Lamkin . .	Personal injuries	200 00
April 6	Patrick Lane	Damage to coupé	152 00
June 26	Thomas W. Lane . . .	Personal injuries	100 00
Nov. 27	Mary E. Lennon . . .	Personal injuries	200 00
Sept. 7	John Leonard	Damages by fire apparatus	6 50
Oct. 26	Charles E. Logue . . .	Damages to property	250 00
July 6	Margaret Lowman . .	Personal injuries	150 00
Sept. 25	Honora Manning . . .	Damages to fence	40 00
Jan. 26	Estate of M. Matherson	Damage by bursting of water-pipe . . .	21 31

CLAIMS RECOMMENDED FOR SETTLEMENT. — *Continued.*

Date.	Name.	Cause.	Amount.
May 4	Bridget McCabe . . .	Personal injuries	\$75 00
May 15	Dennis McCarthy . .	Personal injuries	500 00
May 15	Mary McCarthy . . .	Personal injuries and damage to clothing	75 00
Oct. 19	Samuel W. McDaniel .	Personal injuries	150 00
March 20	Daniel McGann . . .	Damage to estate	100 00
Jan. 26	Mary McGrann . . .	Personal injuries	100 00
Nov. 9	Catherine A. McManus	Personal injuries	500 00
Sept. 7	McQueeney Bros. . .	Damages by fire apparatus	5 00
May 11	Alice McVarish . . .	Personal injuries	200 00
May 8	Fannie E. Meagher . .	Personal injuries	250 00
May 22	Margaret Miskel . .	Personal injuries	300 00
Oct. 12	Lawrence Monaghan .	Personal injuries	150 00
Sept. 25	Jeremiah Moriarty . .	Personal injuries	200 00
May 11	Mary Mullen	Personal injuries	100 00
Jan. 26	James J. Mundy . . .	Personal injuries	100 00
July 6	David J. Murphy . . .	Personal injuries	150 00
Jan. 30	Dennis Murphy . . .	Damage to estate	150 00
Feb.	Peter Murphy	Personal injuries	50 00
Feb. 20	Bridget Naughton . .	Personal injuries	50 00
Feb. 16	Mary Neary	Personal injuries	500 00
Feb. 20	Isabella Norris	Personal injuries	350 00
Sept. 14	Hannah O'Brien . . .	Personal injuries	25 00
Sept. 7	John F. O'Brien . . .	Damages by fire apparatus	20 00
Oct. 12	Ira W. Orcutt	Personal injuries	350 00
Jan. 1, '95	Pettingill & Barry . .	Injury to horse	50 00
Oct. 2	Leslie A. Phillips . .	Damage to sleigh	150 00
May 4	Amos L. Poole	Personal injuries	175 00
Feb. 23	John Powers	Personal injuries	250 00
March 20	William H. Quincy . .	Damage to estate	500 00
March 16	Annie E. Raftery . . .	Personal injuries	200 00
Dec. 4	Mary L. Richmond . .	Personal injuries	100 00
Feb. 27	Margaret Ring	Personal injuries	100 00
May 18	John R. Roche	Personal injuries	400 00
Jan. 23	John Rogers	Damage to estate by defective sewer . .	145 60
Feb. 2	Ann Ruth	Personal injuries	50 00
Nov. 16	Peter Sheehan	Personal injuries	125 00
Jan. 23	David S. Simpson . . .	Damage to wagon	13 47
Sept. 7	Mary Skehan	Personal injuries	100 00

REPORT OF COMMITTEE ON CLAIMS.

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CLAIMS RECOMMENDED FOR SETTLEMENT.— *Concluded.*

Date.	Name.	Cause.	Amount.
Sept. 25	Susan C. Smith	Personal injuries	\$200 00
March 6	Otto Staudigle	Personal injuries	150 00
May 25	Charles H. K. Sturgeon	Personal injuries	75 00
May 29	James Sullivan	Damage to carriage	46 50
March 16	James J. Sullivan . . .	Personal injuries	350 00
Oct. 5	Norah Sullivan	Personal injuries	150 00
March 16	Thomas R. Sullivan . .	Damage to fence	32 50
Sept. 25	Catherine Sweeney . .	Personal injuries	150 00
Feb. 23	Seth Thaxter	Personal injuries	250 00
Jan. 30	Patrick Tobin	Damage to estate	75 00
Sept. 14	Mary J. Toomey	Personal injuries	125 00
Oct. 16	Minnie Turetsky	Personal injuries	100 00
June 26	J. A. Wahlstedt	Damage to property	10 00
May 15	Norah Wallace	Personal injuries and damage to clothing	125 00
Feb. 9	Lila Warner	Personal injuries	150 00
Jan. 26	William Whalley	Damage to coach	25 00
May 25	Lydia Whitehead	Personal injuries	350 00
Nov. 16	Dr. C. W. Whitney . . .	Damage to carriage	25 00
June 6	John N. Wirth	Personal injuries	200 00
Jan. 23	Walter B. Wood	Damage by bursting of water-pipe . . .	35 00
May 15	John F. Young	Bill for attendance on injured child . .	48 00

Recommended by the Law Department.

Date.	Name.	Cause.	Amount.
Dec. 4	Margaret Ahearn	Personal injuries	\$450 00
Jan. 1, '95	Francis Bertrand	Personal injuries	400 00
Oct. 26	A. O. Bongee	Damage to estate	125 00
Oct. 30	Cornelius Breslin	Damage to estate	500 00
July 6	Charles T. Brooks	Stony brook damages	390 00
Jan. 20	Ellen Carney	Personal injuries	1,000 00
July 6	Lucinda Chandler	Personal injuries	100 00
Feb. 20	Joseph Churchill	Damages by construction of sewer . . .	100 00
Oct. 30	Agnes L. Cochran	Personal injuries	75 00
Sept. 18	Ellen Coffee	Personal injuries	350 00
Nov. 9	Ann T. Connolly	Stony brook damages	750 00
Jan. 1, '95	Annie Connolly	Personal injuries	50 00

RECOMMENDED BY LAW DEPARTMENT.—*Continued.*

Date.	Name.	Cause.	Amount.
Nov. 9	Timothy Connolly . .	Stony brook damages	\$1,750 00
Oct. 12	Michael Cross	Personal injuries	50 00
Oct. 30	Agnes J. Curtis . . .	Personal injuries	300 00
Dec. 4	Catherine Doherty . .	Damage to estate	950 00
Dec. 14	Lucinda C. Donokin .	Personal injuries	300 00
Oct. 19	Agnes M. Dowling . .	Personal injuries	500 00
Oct. 16	Bernard Gordon <i>et al.</i>	Land taken	300 00
Jan. 20	Abel Goss	Injuries to horse	150 00
Oct. 19	Rachel B. Gray . . .	Damage to estate	200 00
May 22	Annie B. Hall	Personal injuries	300 00
March 23	Margaret Hickey . . .	Personal injuries	375 00
March 13	Jessie E. Humans . .	Personal injuries	280 00
Dec. 4	Henry Hunt	Damage to estate	20 00
May 1	Charles H. Huxford .	Personal injuries	250 00
Sept. 7	Thomas Jennings . .	Stony brook damages	112 50
Feb. 20	Sarah Jordan	Personal injuries	500 00
Sept. 7	Peter F. Kane	Stony brook damages	63 50
Oct. 26	Henry Kelly	Damage to estate	475 00
Oct. 12	Cornelius Keohane . .	Personal injuries	100 00
Dec. 4	Frank Kneeland . . .	Damage to estate	435 00
Nov. 16	Mary Leonard	Personal injuries	300 00
Jan. 20	Annie J. Littlewood .	Personal injuries	2,000 00
April 13	Joanna Lopez	Personal injuries	500 00
Jan. 20	Gordon McDowell . .	Personal injuries	100 00
July 6	John McQueen	Personal injuries	350 00
June 26	Caroline Milliken . .	Personal injuries	125 00
Oct. 5	Thomas B. Morrill . .	Injury to horse	175 00
May 15	Ann M. Morrison . . .	Personal injuries	175 00
Sept. 18	Eliza M. Mullen . . .	Personal injuries	1,250 00
March 20	Martin Norton	Personal injuries	1,878 00
Oct. 30	Jeremiah O'Neil . . .	Personal injuries	350 00
Feb. 16	Sarah Piller	Personal injuries	150 00
Feb. 20	James Purcell	Personal injuries	225 00
Jan. 20	Mary A. Russell . . .	Personal injuries	500 00
Jan. 20	John Stanton	Damage to estate by explosion	50 00
Nov. 16	Andrew W. Sterling .	Personal injuries	300 00
July 6	Ann Stone	Personal injuries	1,300 00
July 6	Margaret Thompson .	Personal injuries	400 00
Oct. 19	Mary E. Watson . . .	Personal injuries	225 00

RECOMMENDED BY LAW DEPARTMENT.— *Concluded.*

Date.	Name.	Cause.	Amount.
Sept. 7	Abraham T. Weinz .	Stony brook damages	\$75 00
July 6	Margaret Wetherbee .	Personal injuries	300 00
Nov. 23	Joseph Woodward . .	Stony brook damages	439 20
Dec. 4	Stanilaus Vanier . . .	Damage to estate	450 00

CLAIMS REPORTED TO THE CITY COUNCIL.

Date of Vote.	Name.	Vote.
Dec. 14	John Abbott	Leave to withdraw.
May 29	L. F. Abbott	Leave to withdraw.
Dec. 18	Clara M. Ackerman	Leave to withdraw.
Oct. 26	Cyrus W. Alger	Leave to withdraw.
Feb. 9	Nettie Anushinsky	Leave to withdraw.
Nov. 2	Alexander Aronsberg	Leave to withdraw.
Feb. 23	George H. Ayer	Leave to withdraw.
Sept. 28	Charles W. Beals	Leave to withdraw.
Feb. 20	Thomas F. Bell	No action necessary.
May 29	Herbert L. Berry	Leave to withdraw.
Oct. 30	William A. Berry	Leave to withdraw.
Jan. 23	J. H. Besarick	Leave to withdraw.
Jan. 23	William Besarick	Leave to withdraw.
March 27	Margaret Bingham	Leave to withdraw.
Feb. 2	Edwin A. Black	Leave to withdraw.
May 18	Henry B. Blackwell	Leave to withdraw.
Nov. 16	Pietro and Anthony Bonzagni	No action necessary.
May 22	James T. Brady	Leave to withdraw.
Feb. 9	James E. Brennan	Leave to withdraw.
June 20	Sarah Breslin	Leave to withdraw.
Jan. 20	George W. Brown	Leave to withdraw.
Feb. 20	Patrick Buckley	Leave to withdraw.
May 22	Emma J. Bucknam	Leave to withdraw.
May 25	John J. Burke	Leave to withdraw.
March 27	James J. Carney	Leave to withdraw.
Nov. 16	Jane Carter	Leave to withdraw.
Feb. 20	Howard Clapp	No action necessary.
Jan. 20	Arthur A. Clifford	Leave to withdraw.
Jan. 23	George W. Cobleigh	No action necessary.
Sept. 23	Agnes L. Cochran	Leave to withdraw.

CLAIMS REPORTED TO THE CITY COUNCIL.— *Continued.*

Date of Vote.	Name.	Vote.
Sept. 12	H. G. Cole	Leave to withdraw.
Feb. 2	Collins & Ham	Leave to withdraw.
Jan. 26	John Connerton	Leave to withdraw.
Jan. 20	Delia Connors	Leave to withdraw.
Feb. 9	Johannah Connors	Leave to withdraw.
Jan. 20	Patrick Connors	Leave to withdraw.
Dec. 18	John Conway	Leave to withdraw.
Oct. 12	Margaret Corcoran	Leave to withdraw.
May 29	Maria Corkery	Leave to withdraw.
Feb. 9	John Corliss	Leave to withdraw.
April 3	Catherine Coyne	Leave to withdraw.
Jan. 20	John W. Cox	Leave to withdraw.
Feb. 16	Susan E. Crocker	Leave to withdraw.
Sept. 7	Benjamin Cropper	Leave to withdraw.
Jan. 20	Margaret Daly	Leave to withdraw.
Oct. 26	Mary Daley	Leave to withdraw.
April 13	Brian H. Darley	Leave to withdraw.
March 16	Brian H. Darley <i>et al.</i>	Leave to withdraw.
May 8	Richard Dawson	Leave to withdraw.
Sept. 28	Henry C. Derby	Leave to withdraw.
May 11	Annie F. Doherty	Leave to withdraw.
March 13	Mary A. Dolan	Leave to withdraw.
June 6	Margaret J. Donnelly	Leave to withdraw.
Jan. 23	James F. Donnelly	Leave to withdraw.
May 11	Michael Donnelly	Leave to withdraw.
Oct. 5	Ellen Donoghue	Leave to withdraw.
May 11	William C. Donovan	Leave to withdraw.
Feb. 6	Francis J. Dowd	Leave to withdraw.
April 13	Jeremiah Driscoll	Leave to withdraw.
May 11	Mary Dunn	Leave to withdraw.
Jan. 23	Catherine Duran	Leave to withdraw.
Feb. 9	Mary A. Eagan	Leave to withdraw.
Jan. 20	John Farley	Leave to withdraw.
March 2	Fannie Fenlee	Leave to withdraw.
Feb. 20	Mrs. G. Fischer	No action necessary.
Feb. 9	James Flynn	Leave to withdraw.
Feb. 2	Fritz Franz	Leave to withdraw.
Feb. 9	John M. Gaffney	Leave to withdraw.
May 8	Sarah A. Gillard	Leave to withdraw.

CLAIMS REPORTED TO THE CITY COUNCIL.— *Continued.*

Date of Vote.	Name.	Vote.
Jan. 20	Jennie Good	Leave to withdraw.
Jan. 23	Max Goodman	Leave to withdraw.
Feb. 9	Winslow Green	Leave to withdraw.
May 15	Bridget Griffin	Leave to withdraw.
Feb. 2	William G. Grundy	Leave to withdraw.
March 2	Emma F. Hadley	Leave to withdraw.
Feb. 2	William Haley	Leave to withdraw.
Jan. 20	William W. Harris	Leave to withdraw.
Feb. 9	George W. Haskell	Leave to withdraw.
Feb. 9	James M. Herney	Leave to withdraw.
Feb. 6	Alfred T. Hersee	Leave to withdraw.
March 2	Joseph E. Holbrook	Leave to withdraw.
June 6	Ernest L. Holland	Leave to withdraw.
May 22	Maria Holland	Leave to withdraw.
June 6	Daniel Hurley	Leave to withdraw.
April 13	Nellie Hurley	Leave to withdraw.
June 8	Lawrence J. Hurmans	Leave to withdraw.
Feb. 9	Jane Jordan	Leave to withdraw.
Feb. 9	Joseph Kaiser	Leave to withdraw.
Jan. 20	Michael Kelly	Leave to withdraw.
Nov. 16	Winnie Kelty	Leave to withdraw.
Jan. 23	Thomas H. Kerrigan	Leave to withdraw.
March 16	Lizzie Kimball	Leave to withdraw.
Nov. 2	Eileen Kyle	Leave to withdraw.
June 20	John P. Lamb	Leave to withdraw.
Oct. 5	J. Henry Lamkin	Leave to withdraw.
Jan. 23	Michael Lane, Adm'r.	Leave to withdraw.
Jan. 20	Mary A. D. Lewis	Leave to withdraw.
Sept. 12	Sarah Lewis	Leave to withdraw.
Feb. 23	John M. Lowry	Leave to withdraw.
Sept. 25	Hannah M. Lynch	Leave to withdraw.
Sept. 7	Elizabeth H. Lyndoe	Leave to withdraw.
Feb. 6	Honora Mahoney	Leave to withdraw.
May 15	Margaret Maloney	Leave to withdraw.
May 29	Michael J. Maloney	Leave to withdraw.
Sept. 7	Flora L. Manning	Leave to withdraw.
March 16	Susan Marley	Leave to withdraw.
Oct. 19	Daniel McCarthy	Leave to withdraw.
Feb. 9	Dennis McCarthy	Leave to withdraw.

CLAIMS REPORTED TO THE CITY COUNCIL.— *Continued.*

Date of Vote.	Name.	Vote.
Feb. 23	Mary A. McCarthy	Leave to withdraw.
Feb. 13	Ann McDonald	Leave to withdraw.
Jan. 30	Elizabeth McKenna	Leave to withdraw.
June 20	Catherine McInnes	Leave to withdraw.
Jan. 1, '95	Charles J. McLaughlin	Leave to withdraw.
Jan. 23	Mary McLean	Leave to withdraw.
Jan. 20	Ellen Melledy	Leave to withdraw.
Jan. 23	Elmar A. Messinger	Leave to withdraw.
March 13	William Minot, Jr.	Leave to withdraw.
Jan. 20	Frederick R. Moore	Leave to withdraw.
Feb. 2	Garrett Moore	Leave to withdraw.
Jan. 20	David E. Morris <i>et al.</i>	Leave to withdraw.
June 12	Catherine Morrison	Leave to withdraw.
Jan. 20	James J. Mulholland	Leave to withdraw.
Sept. 28	Margaret M. Mullen <i>et al.</i>	To streets and sewers.
Sept. 14	Patrick T. Mullen	Leave to withdraw.
Feb. 9	Timothy D. Mulrey	Leave to withdraw.
Feb. 6	James F. Murphy	Leave to withdraw.
Sept. 28	Eliza Nally	Leave to withdraw.
Feb. 9	Michael J. Nangle	Leave to withdraw.
Feb. 13	Bridget Naughton	Leave to withdraw.
Jan. 20	N. Y. & N. E. R.R.	Leave to withdraw.
Sept. 18	Frederick Ockerhauser	Leave to withdraw.
Sept. 28	John H. O'Callaghan	Leave to withdraw.
March 2	Hugh O'Connor	Leave to withdraw.
Sept. 14	Sarah O'Connor	No action necessary.
Sept. 25	Daniel O'Leary, Mrs.	To streets and sewers.
Feb. 9	Mary O'Leary	Leave to withdraw.
Jan. 30	Mary A. O'Rourke	Leave to withdraw.
Sept. 25	Owners of tug "Nellie"	Leave to withdraw.
Feb. 9	Mary E. Parmelee	Leave to withdraw.
Jan. 23	S. M. Parsons	Leave to withdraw.
Feb. 2	Arthur L. Perry	Leave to withdraw.
April 3	Emma Peterson	Leave to withdraw.
May 1	Josiah W. Pierce	Leave to withdraw.
May 8	Clark Powers	Leave to withdraw.
Oct. 12	George Priest	Leave to withdraw.
Feb. 9	Elthia Profit	Leave to withdraw.
Feb. 6	Henry W. Putnam	Error in water-rates—to pay \$60

CLAIMS REPORTED TO THE CITY COUNCIL. — *Continued.*

Date of Vote.	Name.	Vote.
Feb. 6	James H. Quinlan	Leave to withdraw.
June 8	Timothy J. Quinlan	Leave to withdraw.
Nov. 9	Dennis J. Quinn	Leave to withdraw.
March 2	Eva E. Ramsdell	Leave to withdraw.
Feb. 6	Charles E. Rednund	Leave to withdraw.
Feb. 9	Mary Regan	Leave to withdraw.
May 15	C. F. Richards	Leave to withdraw.
May 18	Ansel T. Ricker	Leave to withdraw.
Sept. 7	Loretta L. Ricker	To Park Commissioners.
Feb. 16	G. C. Robbins	Leave to withdraw.
Feb. 6	Addie Rogers	Leave to withdraw.
Jan. 26	George E. Rogers	Leave to withdraw.
Feb. 6	Walter Ross	Leave to withdraw.
Jan. 20	Mrs. A. Rotfuchs	Leave to withdraw.
Sept. 7	Emilie Schneider	Leave to withdraw.
Feb. 2	F. Schneider	Leave to withdraw.
March 30	Mrs. Elizabeth Schurman	Leave to withdraw.
Jan. 23	Granville S. Seaverns	Leave to withdraw.
Feb. 20	Walter Sennott	Leave to withdraw.
Oct. 23	Mary Shaughnessy	Leave to withdraw.
March 6	Charles P. Shea	Leave to withdraw.
Feb. 9	Katie Sheridan	Leave to withdraw.
Feb. 9	Meier A. Slobodkin	Leave to withdraw.
Dec. 4	Fritz and Catherine Schmid	Revocation of liquor license — to pay \$1,300.
Feb. 20	Alfred Sorenson	Leave to withdraw.
Dec. 14	Louisa M. Stevens	Leave to withdraw.
Jan. 30	James W. Stillman	Leave to withdraw.
May 1	Ann Stone	Leave to withdraw.
Feb. 2	Julius Stone	Leave to withdraw.
June 26	Daniel Sullivan	Leave to withdraw.
Feb. 9	Julia Sullivan	Leave to withdraw.
Feb. 9	Katie Sullivan	Leave to withdraw.
June 6	Martin Sullivan	Leave to withdraw.
June 20	Timothy Sullivan	Leave to withdraw.
March 16	Dorcas Taylor	Leave to withdraw.
March 6	Timothy T. Toomey	Leave to withdraw.
June 6	Joseph O. Tubbs	Leave to withdraw.
May 18	Marian Turner	Leave to withdraw.
May 25	Florence B. Viaux	Leave to withdraw.

CLAIMS REPORTED TO THE CITY COUNCIL. — *Concluded.*

Date of Vote.	Name.	Vote.
March 30	John E. Walsh	Leave to withdraw.
Jan. 20	John M. Ward <i>et al.</i>	Leave to withdraw.
Jan. 23	Mary E. Wardner	Leave to withdraw.
Nov. 9	James P. Waters	Leave to withdraw.
March 2	Rosé Wentworth	Leave to withdraw.
Jan. 23	Frederick G. Whitcomb	Leave to withdraw.
June 8	Margaret H. White	Leave to withdraw.
Feb. 16	Michael White	Leave to withdraw.
Sept. 25	D. C. M. Whitney	Leave to withdraw.
March 2	Carrie O. Wilson	Leave to withdraw.
May 1	Luey M. Winslow	Leave to withdraw.
Nov. 23	Patrick B. Wynne	Leave to withdraw.
May 8	Rosa Zeidenross	Leave to withdraw.

Recommended by Law Department.

Date.	Name.	Cause.	Vote.
Sept. 18	J. Thomas Baldwin	Tax balance	To pay \$47.43.
Nov. 9	Henry J. Bartlett	Tax balance	Leave to withdraw.
Feb. 16	Joshua F. Baston	Tax balance	To pay \$6.84.
Oct. 26	Barbara Bishop	Tax balance	To pay \$78.10.
June 6	Dwight Braman <i>et al.</i>	Damage to estate . . .	To pay \$4,500.
Oct. 26	George E. Brewer	Tax balance	To pay \$62.13.
Sept. 7	John Callahan	Tax balance	To pay \$77.82.
Nov. 27	Michael F. Callahan	Tax balance	To pay \$130.07.
Oct. 26	William Claffin	Tax balance	To pay \$16.52.
Nov. 27	Benjamin F. Cobleigh	Tax balance	Leave to withdraw.
June 12	George P. Daly	Tax balance	To pay \$120.95.
Feb. 13	William A. Davis	Tax balance	To pay \$17.00.
July 6	Julia Donlavey	Tax balance	To pay \$30.18.
June 12	Charles F. Eaton	Tax balance	To pay \$46.06.
Feb. 16	John J. Fallon	Tax balance	Leave to withdraw.
Feb. 20	Francis J. Fitzgibbon	Tax balance	To pay \$47.59.
June 6	Patrick H. Flood	Damage to estate . . .	To pay \$9,000.00.
June 6	Franklin Park Land & Improvement Company	Tax balance	To pay \$94.19.
June 6	Franklin Park Land & Improvement Company	Tax balance	To pay \$79.19.
June 6	Franklin Park Land & Improvement Company	Tax balance	To pay \$74.19.

RECOMMENDED BY LAW DEPARTMENT. — *Continued.*

Date.	Name.	Cause.	Vote.
June 6	Franklin Park Land & Improvement Company	Tax balance	To pay \$140.57.
June 6	Franklin Park Land & Improvement Company	Tax balance	To pay \$79.19.
Feb. 16	Betsey Greenfield	Tax balance	To pay \$288.59.
Dec. 14	Carrie Horn	Tax balance	To pay \$33.56.
May 29	Wm. H. and Eliza Hyde . . .	Tax balance	To pay \$2,035.59.
Dec. 14	Bridget Keating	Tax balance	To pay \$17.92.
Nov. 27	Constance S. Keith	Tax balance	To pay \$8.31.
Dec. 18	Annie E. Kelley	Tax balance	To pay \$2.14.
June 12	John P. Leahy	Tax balance	To pay \$98.70.
Nov. 27	Kazymier Mallevski	Tax balance	To pay \$248.70.
Oct. 26	Maryann Marcus	Tax balance	To pay \$22.30.
Oct. 26	Maryann Marcus	Tax balance	To pay \$85.07.
Dec. 14	Maryann Marcus	Tax balance	To pay \$51.44.
Nov. 9	James D. McIntosh	Tax balance	To pay \$27.86.
Feb. 9	Elmar A. Messinger <i>et al.</i> . .	Execution of court . .	To pay \$1,646.97.
Feb. 13	John Mullen	Tax balance	To pay \$296.55.
June 6	Alfred J. Neal <i>et al.</i>	Damage to estate . .	To pay \$4,500.00.
Dec. 18	Albert V. Nolen	Tax balance	To pay \$77.34.
Jan. 23	Silas Peirce	Tax balance	To pay \$74.44.
June 6	Christina L. Rose	Tax balance	To pay \$43.25.
June 6	Christina L. Rose	Tax balance	To pay \$128.35.
June 6	Christina L. Rose	Tax balance	Leave to withdraw.
Sept. 18	Martha Stanley	Tax balance	To pay \$38.36.
July 6	Jason P. Stone	Tax balance	To pay \$26.18.
July 6	Jason P. Stone	Tax balance	To pay \$26.18.
July 6	Jason P. Stone	Tax balance	To pay \$24.78.
Jan. 20	Abner J. Tower	Damage to property . .	To pay \$6,941.00.
May 29	Annie Walsh	Tax balance	To pay \$16.04.
May 29	Stephen P. Weld	Invalid tax deed . . .	Leave to withdraw.
June 6	Stephen P. Weld, Tr.	Invalid tax deed . . .	Leave to withdraw.
June 6	Stephen P. Weld	Invalid tax deed . . .	To pay \$19.17.
June 6	Stephen P. Weld	Invalid tax deed . . .	To pay \$25.46.
July 6	Stephen P. Weld	Invalid tax deed . . .	Leave to withdraw.
Dec. 14	Stephen P. Weld	Invalid tax deed . . .	Leave to withdraw.
Dec. 14	Stephen P. Weld, Tr.	Invalid tax deed . . .	Leave to withdraw.
June 6	Willard Welsh, Tr.	Invalid tax deed . . .	Leave to withdraw.
June 6	Willard Welsh	Invalid tax deed . . .	To pay \$24.42.
June 6	Willard Welsh	Invalid tax deed . . .	To pay \$18.80.

RECOMMENDED BY LAW DEPARTMENT. — *Concluded.*

Date.		Name.	Cause.	Vote.
July	6	Willard Welsh	Invalid tax deed . . .	Leave to withdraw.
Dec.	14	Willard Welsh	Invalid tax deed . . .	Leave to withdraw.
Dec.	14	Willard Welsh	Invalid tax deed . . .	Leave to withdraw.
Dec.	14	Willard Welsh, Tr.	Invalid tax deed . . .	Leave to withdraw.
Feb.	9	Frederick G. Whitcomb	Execution of court . .	To pay \$1,598.45.
TOTAL NUMBER OF CLAIMS ACTED UPON				451
AMOUNT REQUIRED FOR SETTLEMENT				\$17,721.79



MAYOR'S MESSAGE

GIVING

STATEMENT OF THE EXACT FINANCIAL
CONDITION OF THE CITY,

JANUARY 1, 1895.

CITY OF BOSTON, OFFICE OF THE MAYOR,
CITY HALL, January 1, 1895.

To the Honorable the City Council:

GENTLEMEN: In view of the approaching inauguration of a new administration it seems proper to state the exact financial condition of the city at the present time.

I am informed by the City Treasurer that at the close of business on December 31, 1894, there was on hand in cash \$567,178.46 credited to the general appropriations for the fiscal year 1894-5; \$2,029,084.52 to special appropriations, being money derived from loans; and \$539,400.51 to various special and trust accounts; making a total cash balance of \$3,135,663.49.

The City Collector informs me that the receipts for the current fiscal year to date applicable to the general appropriations are \$14,038,664.34, and that he estimates the revenues coming in during the month of January at \$785,000, making a total probable income for the year of about \$14,823,000.

As the appropriation order for the current fiscal year was \$13,391,754, and as the amount of the State taxes and assessments was \$811,339.97, it will be seen that the total

appropriations for the year, aggregating \$14,203,090.97, are about \$625,000 less than the probable revenues.

This apparent surplus will be reduced by the amount transferred from revenue in compliance with special orders of the City Council, to meet executions of court, etc., and also by the excess of expenditures over appropriations in certain departments—principally schools, county, and police—over which the Executive has no control. These transfers and deficiencies amount to about \$320,000, leaving a probable net surplus of \$300,000 as the result of the financial operations of the city during the fiscal year 1894-5.

It is pleasant to be able to record the fact that during the four financial years for which the present administration has been responsible the current business of the city has been transacted without borrowing money, and that there has each year been a surplus of current revenues over current expenditures.

At the close of business on Dec. 31, 1894,

the Auditor's books show a gross debt of \$58,654,211.56
Means of redemption, amounting to about . 22,160,347.14

Net debt \$36,493,864.42

Special efforts to procure the authority needed to carry on the public works of the city have been made, and the result is the following list of loans authorized by the City Council, or by the State Legislature, and not yet negotiated. Part of these loans have already been advertised, and the rest can be issued by the incoming administration as rapidly as the needs of the city require.

Date of Order.	Object.	Inside of Debt Limit.	Outside of Debt Limit.
Oct. 24, 1891,	Public Library Building.		\$200,000
April 26, 1892,	Additional Sup- ply of Water,		1,800,000
May 17, 1893,	Public Park, Wards 6 and 7,	\$150,000	
Feb. 1, 1894,	New Buildings, City Hospital,	300,000	
“ 12, “	Charlestown Bridge . .	740,000	
June 8, “	Public Parks .		1,000,000
<i>Carried forward,</i>		\$1,190,000	\$3,000,000

¹ Not to be issued, under the terms of the act authorizing the loan, before Jan. 1, 1895.

Date of Order.	Object.	Inside of Debt Limit.	Outside of Debt Limit.
<i>Brought forward,</i>		\$1,190,000	\$3,000,000
June 25, 1894,	Laying Out and Construction of Highways .		1,000,000
July 12, " "	Columbus Ave. .	300,000	
	Rapid Transit .		¹ 6,950,000
Total		<u>\$1,490,000</u>	<u>\$10,950,000</u>

The borrowing capacity of the city within the debt limit is \$2,509,074, according to the statement of the Sinking Fund Commissioners. There is also, as already stated, cash in the city treasury derived from loans amounting to \$2,029,084.52. This makes a total of \$16,978,158.52 available to the incoming administration without further action by the City Council, for permanent improvements, besides the probable surplus revenue already noted, which can either be used for these purposes or carried forward to the credit of the appropriations for 1895-6.

The City Council of 1895 can authorize a further issue of bonds amounting to \$747,162.91 on account of the loan for the Laying Out and Construction of Highways. There are also lands surrendered by the various departments of the city government for sale, which have not yet been worked off. The proceeds of these lands, when received, is applicable to the sinking funds, and should amount to about \$1,000,000.

SUMMARY.

Cash on hand December 31, 1894	<u>\$3,135,663 49</u>
Cash on hand derived from loans	\$2,029,084 52
Right to borrow on loans already authorized	12,440,000 00
Right to borrow in 1895 within the debt limit for purposes not yet designated	2,509,074 00
Right to borrow for Laying Out and Construction of Highways	<u>747,162 91</u>
Total resources for permanent improvements	<u>\$17,725,321 43</u>

¹ St. 1894, Ch. 548.

Estimated increase in revenue available for department expenses for 1895-6 over de- partment appropriations for 1894-5 .	\$350,000 00
--	--------------

Estimated value of lands for sale . .	<u>\$1,000,000 00</u>
---------------------------------------	-----------------------

Respectfully submitted,

N. MATTHEWS, JR.,
Mayor.



ORDINANCES OF 1894 — CHAPTER 8,

CONCERNING

SALARIES OF CORPORATION COUNSEL
AND CITY SOLICITOR.

In the Year One Thousand Eight Hundred and Ninety-four.

AN ORDINANCE TO AMEND CHAPTER THREE OF THE
REVISED ORDINANCES OF 1892.

Be it ordained by the City Council of Boston, as follows:

Section six of chapter three of the Revised Ordinances of 1892 is hereby amended in the twenty-first and twenty-sixth lines, so that said lines as amended shall read as follows, viz. :

The twenty-first line shall read : "The City Solicitor, seventy-five hundred dollars."

The twenty-sixth line shall read : "The Corporation Counsel, seventy-five hundred dollars."

IN BOARD OF ALDERMEN, December 17, 1894.

Passed. Sent down for concurrence.

ALPHEUS SANFORD, *Chairman.*

IN COMMON COUNCIL, January 3, 1895.

Concurred.

CHRIS. F. O'BRIEN, *President*.

Approved, January 3, 1895.

N. MATTHEWS, JR., *Mayor*.

A true copy.

Attest:

J. M. GALVIN, *City Clerk*.



ORDINANCES OF 1894 — CHAPTER 9,
CONCERNING
SALARY OF CLERK OF COMMITTEES.

In the Year One Thousand Eight Hundred and Ninety-four.

AN ORDINANCE TO AMEND CHAPTER THREE OF THE
REVISED ORDINANCES OF 1892.

Be it ordained by the City Council of Boston, as follows:

Chapter three of the Revised Ordinances of 1892 is hereby amended in section six by striking out of the clause establishing the salary of the Clerk of Committees, in said section, the words "thirty-five hundred," and inserting the words "four thousand" in place thereof.

IN COMMON COUNCIL, January 3, 1895.

Passed. Sent up for concurrence.

CHRIS. F. O'BRIEN, *President.*

IN BOARD OF ALDERMEN, January 3, 1895.

Concurred.

ALPHEUS SANFORD, *Chairman.*

Approved, January 3, 1895.

N. MATTHEWS, JR., *Mayor.*

A true copy.

Attest:

J. M. GALVIN, *City Clerk.*



SECOND SEMI-ANNUAL REPORT

OF THE

INSPECTORS OF PRISONS AND HOUSES
OF DETENTION

IN

SUFFOLK COUNTY.

IN BOARD OF ALDERMEN, January 5, 1895.

The special committee of the Board of Aldermen appointed to visit and inspect the jail and other houses of detention in the county of Suffolk present herewith their second semi-annual report :

The committee visited the jail January 4, 1895, and found everything in a neat and clean condition, and did not discover any special cause for criticism, either in the care of the jail or in the quality of the food furnished to the prisoners.

In view of the fact that the various public institutions in charge of the commissioners have been under investigation by the Board of Aldermen during the past year, the inspectors have made no special visits of inspection since their last report was presented. It appears to your committee that the investigation may be considered to have fulfilled the requirements of the law, so far as the inspection of the institutions is concerned, and they accordingly refrain from reporting more specifically in the matter, believing that the report made by the Aldermen as an investigating committee

embodies all that is required in the way of recommendations or criticism.

The reports of the superintendents and officials in charge of the several institutions are appended thereto as a part of this report.

Respectfully submitted,

CHARLES W. HALLSTRAM,
MARTIN M. LOMASNEY,
CHARLES T. WITT,

Committee.

APPENDIX.

SUFFOLK COUNTY JAIL.

BOSTON, December 31, 1894.

To the Inspectors of Prisons for Suffolk County:

GENTLEMEN: At the date of your last inspection of the jail, viz., June 23, 1894, the number of prisoners remaining in custody was:

	Males.	Females.	Total.
	147	21	168
Committed from June 23 to December 31, 1894	2,490	582	3,072
Total	2,637	603	3,240
Discharged from June 23 to December 31, 1894	2,475	581	3,056
Remaining in jail December 31, 1894,	162	22	184
Debtors in custody June 23, 1894			3
Debtors committed from June 23, 1894, to December 31, 1894			32
Total			35
Debtors discharged from June 23 to December 31, 1894 .			35
Debtors in custody December 31, 1894			0

No deaths have occurred since June 23, 1894. Annie Williams escaped from front office of jail November 5, 1894, and was recaptured November 6, 1894, and returned to jail. No persons were pardoned since June 23, 1894.

JOHN B. O'BRIEN,
Sheriff, Keeper of the Jail.

HOUSE OF CORRECTION.

SOUTH BOSTON, December 2, 1894.

To the Inspectors of Prisons for Suffolk County:

GENTLEMEN: The following is a report of commitments to and discharges from this institution from August 12, 1894, to December 27, 1894, inclusive:

	Males.	Females.	Total.
Remaining August 12, 1894	560	54	614
Committed to December 27, 1894, inclusive .	410	86	496
	970	140	1,110
Discharged to December 27, 1894, inclusive	376	60	436
Remaining December 27, 1894	594	80	674

Of the above discharges :

Males.	Females.	Total.	
336	48	384	were by expiration of sentence.
7	6	13	were pardoned by the commissioners.
4	—	4	were pardoned by the governor.
1	—	1	was discharged by permit of Prison Commissioners.
4	2	6	were sent to Lunatic Asylum.
—	1	1	was transferred to House of Industry, Deer Island.
24	3	27	paid their fines.
376	60	436	total of discharges, as above.

No deaths. No escapes.

Respectfully submitted,

JOHN C. WHITON,
Master.

HOUSE OF INDUSTRY, HOUSE OF REFORMATION, AND TRUANT SCHOOL.

PUBLIC INSTITUTIONS,
DEER ISLAND, December 31, 1894.

To the Inspectors of Prisons for Suffolk County:

GENTLEMEN: The following is a report of the commitments to and discharges from the House of Industry, House of Reformation, and Truant School from July 9, 1894, to December 29, 1894, inclusive :

HOUSE OF INDUSTRY.

	Males.	Females.	Total.
Remaining July 9, 1894	1,165	348	1,513
Committed since	3,821	704	4,525
	4,986	1,052	6,038
Discharged since	3,751	738	4,489
Remaining December 29, 1894	1,235	314	1,549
Pardoned	615	152	767
Died	12	6	18
Escaped	7	—	7

HOUSE OF REFORMATION.

	Males.
Remaining July 9, 1894	56
Committed since	21
Discharged since	77
Remaining December 29, 1894	62
Pardoned	15

TRUANT SCHOOL.

	Males.
Remaining July 9, 1894	90
Committed since	18
Discharged since	108
Remaining December 29, 1894	89
Pardoned	19
	63

Respectfully submitted,

JAMES R. GERRISH,
Superintendent.

BOSTON LUNATIC HOSPITAL.

BOSTON, December 28, 1894.

To the Inspectors of Prisons for Suffolk County :

GENTLEMEN: There were present at the date of your last visit, June 28, 1894 :

	Males.	Females.	Total.
At South Boston	104	103	207
At Austin Farm	103	154	257
Admitted since	21	33	54
Whole number	228	290	518
Discharged	33	26	59
Remaining December 28, 1894	195	264	459
At South Boston	50	60	110
At Austin Farm	145	204	349

Of those discharged, there were :

Recovered	4	9	13
Much improved	1	1	2
Improved	—	2	2
Not improved	5	3	8
Transferred	3	5	8
Died	20	6	26

Of the deaths, one each were from old age, organic brain disease, secondary dementia, caries of the foot, cerebral hemorrhage and polypi of bladder; two were from chronic interstitial nephritis, three were from phthisis pulmonalis, four were from heart disease, five were from general paralysis, and six were from senile insanity.

Very respectfully,

T. W. FISHER,

Superintendent.

MARCELLA-STREET HOME.

BOSTON HIGHLANDS, December 28, 1894.

To the Committee on Inspection of Prisons:

GENTLEMEN: The following is a report of the commitments and discharges since the date of your last inspection, June 23, 1894:

Number remaining June 23, 1894	402
Number admitted between June 23, 1894, and December 28, 1894	185
Number discharged between June 23, 1894, and December 28, 1894	148
Number remaining December 28, 1894	439
“ of deaths	5
“ pardoned	13

Respectfully submitted,

A. B. HEATH,

Superintendent.



CLOSING PROCEEDINGS
OF THE
COMMON COUNCIL OF 1894,
WITH THE
ADDRESS OF PRESIDENT O'BRIEN.

IN COMMON COUNCIL, January 3, 1895.
Mr. Holden presented the following resolution:

Resolved, That the thanks of the Common Council of the City of Boston are due and are hereby tendered to President CHRISTOPHER F. O'BRIEN, for the fidelity and ability with which he has discharged his duties during the municipal year now about to close; and his associates take advantage of this occasion to cordially offer him their best wishes for a future career of prosperity and happiness.

Said resolution was read.

Remarks were made by Messrs. Holden, Norris, Patterson, M. W. Collins, Callahan, Robinson, Rourke, King, Kelly, W. W. Davis, Sears, Reidy, Everett,

Marnell, Miller, Briggs, Jones, Cochran, Whelton, Connorton, Colby, Shaw, Browne, Leary, Bradley, Battis, and Hurley.

The resolution was then passed by a rising vote, the question being put by the Clerk of the Common Council.

The President addressed the Council in reply to the resolution, and on motion of Mr. Holden it was

Ordered, That the President be requested to furnish a copy of his closing address, that the same may be printed and bound with the city documents.

Attest:

JOSEPH O'KANE,
Clerk of the Common Council.

ADDRESS OF PRESIDENT O'BRIEN.

Mr. Clerk and gentlemen of the Common Council, after the passage of the resolutions and the many kind remarks that have accompanied them, it is fitting that I should say something to you to express to you my feelings. And first, to speak generally, I wish to congratulate the members of the Common Council on the splendid work you have done in the term just drawing to a close. The many measures of importance that have been before you for action have been acted on promptly, yet not with undue haste; and although debate has often been spirited and feeling sometimes ran high, I believe that this Council has always so conducted itself as to preserve the high reputation which the Common Council as an institution has always deservedly borne among all people, except the few who do not truly understand its purpose or its usefulness. Your votes have always represented the wishes of your

particular constituency, and the action of the Council has always been satisfactory to the citizens as a whole. Much valuable work has been done which is not apparent to the general public, but I know, as do many others, of the earnest, faithful, and painstaking work performed by members of the different committees, both standing and special. For myself I thank you for your kindly words and action at this our closing session; and in all sincerity I thank you for your assistance in the conduct of our meetings. Coming to the chair, as was said by one member to-night, with youth and with perhaps less experience than any of the members of this Council appreciated—because it was the first time, when I assumed the duties of President of this Council, that I had ever filled the chair at any regularly constituted parliamentary body—coming as I did without previous experience, I said then that I would endeavor to be a presiding officer impartial and dignified. This promise, to the best of my ability, I have kept. If I have failed, you have judged me, and most of you with marked tolerance for my failings. Almost at the outset I found that there was much dissatisfaction, particularly, perhaps, on account of my committee appointments. Much warmth of feeling was displayed. I was advised by a member of this Council that if I would say that I was sorry for alleged mistakes, affairs would probably go more smoothly. I believe that gentleman spoke in friendly spirit, for my good. I thanked him, and I do now; but if I made mistakes they were honest mistakes, and I could not say I was sorry for what I honestly did for the best, although the result might have been unfortunate. If it has been unfortunate in some instances, it has not been wholly so for me, because I have learned from that experience a great deal.

While some bitter feeling was then engendered, I believe it has now almost entirely disappeared.

I have tried not to let personal feeling interfere with a proper discharge of my official duties, and I have several times marked on the part of the Council the disposition to help and support me on trying occasions. I have found a spirit of fairness manifested always whenever you believed I was trying to do right, and I ask you now to believe that, although I may at times have appeared arbitrary or partial, I never intended to be either.

We all have faults and weaknesses. Tolerance and charity are virtues too seldom exercised.

You who have sat in this chair, apart from your brother members of the Council, know that oftentimes things have a different aspect viewed from this position than when viewed from the floor, and oftentimes what seems to a member on the floor to be unfair and partial conduct by the presiding officer is only proper parliamentary practice as seen by the Chair.

We have been fortunate in that, by the grace of God, none of our members have been taken away during the year, and now we are about to separate. In a few days the Common Council of '94 will be of the past, but I know that some of the best and truest friends I ever had are numbered amongst this body, and that if we meet not again in official life that friendship which we have contracted here will yet be continued while we live.

I leave the chair and the Council of 1894 with good feeling towards all, and I hope no one bears personal ill-will against me.

I had hoped that all feeling had died out, and I wish to say nothing on this occasion that could make any man feel that I bore him any ill-will for his actions during the year or upon the occasion of any meeting of this Council. I trust that the members will consider in a broad spirit acts of mine which may have seemed to them partial or prejudiced, and that they will give me credit for having done what seemed to

me under all the circumstances the best that I could have done at the time. And now, as we go forth upon our different paths, my wish is the same to all,—that whatever path you may follow may lead you to the success that you deserve. [Applause.]

[DOCUMENT No. 220 — 1894.]

VALEDICTORY ADDRESS

OF

HON. NATHAN MATTHEWS, JR.,

MAYOR OF BOSTON,

TO THE

MEMBERS OF THE CITY COUNCIL,

JANUARY 5, 1895.



BOSTON:
ROCKWELL AND CHURCHILL, CITY PRINTERS.
1894.

CITY OF BOSTON.

IN BOARD OF ALDERMEN, January 5, 1895.

Ordered, That His Honor Mayor Matthews be requested to cause fifteen hundred copies of his valedictory address to be printed and bound; the expense to be charged to the contingent fund of the Mayor's office.

Passed. Approved by the Mayor, January 5, 1895.

A true copy.

Attest:

J. M. GALVIN,
City Clerk.

ERRATA.

Page 24, note 2. — In first line, omit word "statement."

Page 45, table. — In last line but one, for "\$50,000," read "\$6,950,000."
(See Table 23.)

Page 65, line 8. — For "December," read "January."

Page 112, note 1. — Substitute the following: "See St. 1870, ch. 283.
The vote was taken at the State election of 1870, and resulted in 9,233
yeas to 5,916 nays."

Page 117, second paragraph, line 4. — For "or," read "for."

Page 150, note 1. — In third line from bottom, for "funded," read "un-
funded."

In second line from bottom, omit words "that year and."

Page 212, tenth line from bottom. — For "1884," read "1894."

Page 236, Table 20. — Water debt should be \$1,000 more than stated, and
other figures corrected accordingly. (See Table 21.)

Page 242, Table 24. — In fifth line from bottom, for "\$147,162.91," read
"\$247,162.91."

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VALEDICTORY ADDRESS.

To the Honorable the City Council:

GENTLEMEN: It has been customary for the mayors of this city, particularly for those who have held office during a succession of years, to close their connection with the City Government by a farewell message. These addresses have generally included a review of the administration of the outgoing Mayor, as well as recommendations for the improvement of the City Government suggested by his experience in office.

It has seemed to me that I ought not to leave the service of the city which has honored me with four successive elections without placing upon record a summary of the opinions which experience has caused me to form concerning the merits and defects of municipal government as administered to-day in Boston. This task necessarily involves a more or less detailed analysis of the management, past and present, of the various branches of the City Government; but I shall endeavor to execute it with as much brevity as the case permits. If frequent references are found to what has been done and to what has not been done during the years in which I have been personally connected with the City Government, I trust it will be understood that they were necessary and could not be avoided without losing sight of the true purpose of a valedictory address.

No general description of the City Government has been published since Quincy's Municipal History of the town and city from colonial days to 1830; and it is difficult to secure facts, figures, or dates relating to the work of the municipi-

pality as a whole, or to any particular part of it. It seemed, therefore, that this paper could be made not only appropriate to the occasion, but useful to the public, if prepared in the form of a short compendium of information concerning the several branches of municipal service; and it has accordingly been written with this object in view.

CHAPTER 1.

ORGANIZATION OF THE CITY GOVERNMENT.

SECTION 1. *General Outline.* The City Government as now organized consists of a Mayor and thirty-three executive departments under his control; of a legislative branch composed of a board of twelve Aldermen and a Common Council of seventy-five members; of a city clerk and city messenger elected by the city council; of a board of three Street Commissioners, elected by the people; of a School Committee consisting of twenty-four members elected by the people; of a Board of Police, consisting of three commissioners appointed by the Governor of the Commonwealth; of various county officers, including the judges of the Supreme Judicial, Superior and Probate Courts, the sheriff, clerks of court, register of probate, etc.; of certain attendants upon the legislative branch, namely, the clerk of committees, and the clerk of the Common Council; of a few temporary commissions, such as the Board of Survey and the Transit Commission; and of a host of minor officers, such as constables, weighers of coal, measurers of grain, inspectors, etc.

SECTION 2. *The Executive Department.* This consists of twelve boards or commissions, as follows: The Board of Assessors, the Board of Fire Commissioners, the Board of Health, the Boston City Hospital, the Board of Trustees of the Public Library, the Trustees of Mt. Hope Cemetery, the Board of Park Commissioners, the Board of Commissioners of Public Institutions, the Board of Registrars of Voters, the Overseers of the Poor in the City of Boston, the Board of Commissioners of Sinking-Funds, and the Boston Water Board; of twenty single heads of departments, — the City Architect, City Auditor, City Collector, City Engineer, Superintendent of Ferries, Superintendent of Public Buildings, Inspector of Milk and Vinegar, Inspector of Provis-

ions, Superintendent of Lamps, Superintendent of Markets, Superintendent of Printing, Inspector of Buildings, Superintendent of Public Grounds, City Registrar, Sealer of Weights and Measures, Superintendent of Streets, City Surveyor, City Treasurer, Water Registrar, and Commissioner of Wires; and of a Law Department in joint charge of the Corporation Counsel and the City Solicitor. This makes a total of thirty-three departments, in charge of eighty-two persons, acting singly or as members of commissions, all of whom are appointed by the Mayor subject to confirmation by the Board of Aldermen, and all of whom are subject to removal by the Mayor for such cause as he may deem sufficient.

This organization is smaller by five departments than in 1890; the departments of Bridges, Cambridge Bridges, Sewers, and Sanitary Police having been consolidated with the Street Department under a single superintendent, and the Ancient Records Commission having been abolished and its work assigned to the City Registrar. The Board of Directors of East Boston Ferries was also abolished and the department placed in charge of a single superintendent. The Department for the Inspection of Wires, created in 1890, was abolished in 1891 as a separate department, and the work was placed in charge of the Board of Fire Commissioners; but a new department was created in 1894 to carry out the provisions of the law relating to overhead wires passed in that year.¹

These reductions and consolidations have been productive of excellent results, and, as frequently suggested to the City Council, indicate the value of further changes tending to a simplification of the machinery of government and a concentration of responsibility. Among these changes are the substitution of single superintendents or commissioners for the Board of Commissioners of Public Institutions, the Board of Fire Commissioners, and the Boston Water Board. The work of the Fire Department is purely executive in

¹ St. 1894, chap. 454.

character, that of the other two departments nearly so. The office of Water Registrar should either be made a subordinate division of the Department of Water Works, or consolidated with the Collecting Department. The Inspectors of Milk and Vinegar and of Provisions might be made subordinate officers of the Board of Health, which has general charge of all matters relating to the public health; and Mount Hope Cemetery could also be placed in charge of this Board.

As to the terms of office for the Mayor and his executive officers, it is my opinion that they should all be longer than at present. The Mayor should be elected for a term of two or three years; and the length of service of the heads of departments should be indeterminate. This is to a great extent the present practice, most of the heads of the more important departments having held office continuously under the various Democratic and Republican administrations of the recent past;¹ and it would, I believe, be well to change the statutes and ordinances so that the heads of departments as well as the subordinate officers of the Government shall hold office indefinitely until death, resignation or removal.

SECTION 3. *The Legislative Branch.* This, in my opinion, should be reconstructed by abolishing the present bicameral system and substituting a single legislative body. This body should be larger than the present Board of Aldermen, but not so large as to become unwieldy, and liable to degenerate into a debating society. The scheme which has seemed to me on the whole the most desirable, and which has been advocated on other occasions, is to establish a single legislature of twenty-four or twenty-seven men, elected at large, eight or nine each year, for a three-years term. If minority representation is desired, some system should be invented different from that in operation under the law of 1893.² This law is admitted on all hands to have

¹ For instance, no changes have been made since 1890, except those caused by death or resignation, in the heads of nineteen of the thirty-three executive departments, namely: Board of Assessors, Auditor, Collector, Engineer, Ferries, Fire, Hospital, Inspection of Buildings, Inspection of Milk and Vinegar, Inspection of Provisions, Printing, Markets, Public Buildings, Public Grounds, City Registrar, Sinking Funds, Surveyor, Treasurer, Board of Health.

² St. 1893, ch. 473, accepted by the people at the State election of 1893.

been a failure; and it is extremely doubtful whether any system of minority representation can be devised that will secure satisfactory results.

It would be foolish, indeed, to expect that this, or any, reconstruction of our municipal legislature will remove all the difficulties in the way of securing an economical and business-like government. The representatives of the citizens, howsoever elected, will continue to represent with more or less fidelity the wishes and principles of their constituents; and as long as the people at large, while in favor of economy as a general principle, yet desire appropriations for particular purposes on a scale that makes economy impossible, just so long will it be difficult to restrain the City Council, however constituted, from an improvident expenditure of the public funds. I believe, however, that some gain would follow from the change suggested; that a more responsible class of aspirants for positions in the City Council would appear, if the term of service were longer and the work of legislation restricted to a single body; and that in this way the difficulties of securing economy in expenditure would be diminished, though by no means removed.

SECTION 4. *The Board of Street Commissioners.* Why the Board of Street Commissioners should still be elected by the people, I have never been able to understand, except upon the theory that its members had sufficient influence to secure its omission from the scope of the charter amendments of 1885. The present system tends to create a division of responsibility, and the members of this board, like the other heads of departments, should, in my opinion, be appointed by the Mayor.

SECTION 5. *The School Committee.* The School Committee has been an unpaid elective body from the earliest times; but the business of the schools has outgrown the capacity of a board selected in this manner; and there is constant friction between the Mayor and City Council, who are responsible for the school appropriations, and the School

Committee, which has sole charge of expending them. Such friction is inevitable where the business in question is voluminous and complicated, and the responsibility for its proper conduct divided. I should recommend the passage of a law placing the public schools in charge of a superintendent, to be appointed in the usual way by the Mayor of the city.

SECTION 6. *Board of Police.* This department can never be managed to the satisfaction of the public so long as it remains in the charge of a State board¹ not responsible to the City Government, and composed necessarily of gentlemen who, whatever their personal qualifications, are yet regarded by a majority of the voters of this city with distrust. Besides the division of responsibility which the system entails, — the City Council being responsible within certain limits for the appropriations, and the Board of Police for their expenditure, — there are many special objections to the plan, such as the inability to secure the enforcement of the city ordinances. The Board of Police should be abolished; the police force should be restored to the control of the city, and placed in charge of a chief or superintendent appointed by the Mayor, and responsible through him to the people of the city; and the license-granting powers of the Board should then be vested in a special license board.

It will be said that this plan has already been tried, and that the present system has worked better. I cannot assent to this proposition as a statement of fact, for the department was never so mismanaged as between the years 1889 and 1893; but even if true, the transfer of a purely local concern, such as the police force of a city, to the control of the Commonwealth is a violation of the principle of local self-government and a constant source of irritation to the people. The gain in efficiency, if any, is not commensurate with the breach of principle involved.

SECT. 7. *In General.* Most of the changes urged in this chapter have been recommended on previous occasions.

¹ Established by St. 1885, ch. 323.

The question may arise, however, why these reforms, if reforms they be, have not been pressed with greater energy. The answer is, that the changes urged depend, with minor exceptions, upon the action of the State Legislature; that they are commonly regarded as political in character; and that I have intentionally and consistently refrained from urging any measure of a political character upon the committees of the General Court. I felt that the best work I could do was to administer the government as I found it, without wasting time in seeking radical organic changes, which the Legislature was not likely to grant at my request, and the advocacy of which was calculated to impair the influence that the Mayor properly possesses with committees of the General Court in respect to legislation affecting the financial interests of the city.¹

¹ While I have no reason to complain of any partisan action on the part of the legislative committees of the past four years in matters relating to city finances and public improvements, yet my advocacy of a change, really political, or thought to be such, would have had very little weight with a Republican Legislature. The fate of the annual attempt to increase the term of office of the Mayor shows the impossibility of securing this reform from a Republican Legislature, so long as it was regarded by many as a scheme for the benefit of a Democratic administration. Now that the next Mayor is to be a Republican, there is more chance that the measure will pass.

CHAPTER 2.

ACCOUNTS AND REPORTS.

The current accounts of the city are accurately and intelligently kept by the Collector, Treasurer, and Auditor; and the method of paying out money is well calculated to prevent mistaken, illegal, and fraudulent payments.¹ The system is, or rather has been, defective in what might be termed the ledger part of it, that is in respect to capital, improvement, or investment accounts, and in the character of the reports printed for public information.

SECTION 1. *Department Reports.* The annual reports of the different departments I found to be much fuller than those published by most cities; but they were deficient in financial information. Statistics relating to the total cost or net results of the various public undertakings described in the reports were almost wholly lacking, and when given, generally inaccurate; while the few comparative statements of annual expenditures and receipts were incomplete and misleading.

Taking, for instance, the annual reports of the several departments for the year 1890,² we find that the City Architect has nothing to say about the cost of our school-houses and other public buildings except in respect to the payments during that particular year. The Board of Ferry Commissioners present a "statement" of the cost of the department from the purchase of the ferries, which is several hundred thousand dollars out of the way, and a "trial balance" worthy of the most advanced

¹ The drafts of the several departments, all countersigned by the Auditor, and approved by the Mayor, amounted to 1,652 during the fiscal year 1893-4, and involved the payment of \$33,911,179.04. Practically every payment requires the written voucher of the head of a department, of the Auditor, of the Mayor, and of the Treasurer. The City Auditor's books are particularly well kept.

² Published in two volumes as Document 1 of the year 1891.

style of speculative railroad book-keeping.¹ The Trustees of the Public Library furnish a list of the Trustees and Examining Committees for thirty-nine years, as well as much other interesting information, but omit all mention of the millions of dollars in process of expenditure upon the new building on Dartmouth street.² The report of the Board of Park Commissioners contains no tables from which the amount expended in any one year, or the total cost of all the separate parks, can be ascertained. The report of the Water Board contains a short and insufficient if not inaccurate statement of the "cost of construction of the water works," but not a figure concerning total expenditures, total receipts, net cost, loans issued, changes in rates, department charges, and other facts necessary to a correct understanding of our water-works finances; nor is there anything to show the operation of the sinking-funds, or the steady increase in the debt. No figures are to be found in the entire two volumes showing the cost of our hospitals, cemeteries, markets, public institutions, school-houses, public grounds, or public buildings.

It may be said of the department reports, as a whole, that they contained little information of the kind described; and that such information as they did contain was always insufficient, generally inaccurate, and sometimes purposely misleading.

SECTION 2. *Financial Reports.* The annual reports of the City Auditor were also defective. Of the two hundred pages devoted to the payments for the year, a large proportion was occupied by the names of the different contractors, material-men, and teamsters, with the amounts paid to each on each separate job. Such lists were of little

¹ See chapter 18, § 5, and Appendix, Tables 27 to 29.

² Reference is, however, made to the semi-annual report of the Trustees upon the condition of this building. This report — Doc. 9, of 1891 — contains what purports to be a statement of the cost of the building to date, but is not, by reason of omitting all payments, amounting to \$91,440.57, made prior to the month of May, 1888. The cost of the land, \$203,925.00, was also omitted, and the accounts are otherwise incomplete. See Doc. 186, of the year 1892, for a proper set of estimates and accounts.

value without still fuller information, and were otherwise out of place in a general account of the financial operations of a great corporation. On the other hand, the few summarized statements of cost, notably those relating to the water-works and ferries, were inaccurate or insufficient, and there was practically nothing in the volume from which the citizens could learn what the city had expended on its various undertakings, what its annual average receipts were, or what had been the comparative cost from year to year of maintaining the different branches of municipal service.

The annual calculation of "ways and means," and the methods ostensibly followed in making up the annual tax-levy and appropriation order, were represented to be the same as before the passage of the tax-limit law of 1885; but if a totally different method had not in fact been used, a deficit would have annually resulted, or an illegal tax-rate, or both.¹

The monthly exhibits or reports of the Auditor, Treasurer, and Collector were also deficient in the amount of information furnished; and no statement at all was published of the expenditures for the last month of the fiscal year.²

Then the period covered by the annual reports of the Auditor, Treasurer, Collector, and Sinking-Funds Commissioners was the fiscal year, which began on May 1 and ended on April 30; while the period covered by the annual reports of the other departments was the calendar year, from January 1 to December 31.

SECTION 3. *Difficulties of Investigation.* This condition of affairs made it impossible for any citizen to secure, without a most laborious investigation, accurate and complete information concerning the original cost

¹ The real way in which the appropriation orders have been made up since 1885 is shown in Appendix, Table 6; also in the inaugural addresses or messages accompanying the annual estimates submitted by the various Mayors.

² The payments during the month of April could only be discovered by subtracting each item in the statement for April 1 from the corresponding item in the Auditor's Annual Report — not printed, perhaps, for months — of the entire payments for the fiscal year.

of our various public undertakings, the annual cost of the various branches of municipal service, and the probable annual revenues. This information was peculiarly essential to the members of a City Government which was limited by law in the amount of money it could raise by taxation and from loans; and I am inclined to attribute the fact that it was so frequently thought necessary between 1885 and 1891 to borrow money for current expenses to the difficulty of estimating with accuracy the probable expenditures and receipts of the city. That the city can, as a matter of fact, live within its income as limited by the law of 1885 — that is, that it need not borrow money for the current expenses of administration — has been shown by the experience of the last four years; but the expenditures must, of necessity, very nearly equal the income,¹ and the departments can only be prevented from exceeding it by means of a sharp monthly watch upon every item of income and expenditure, and by monthly comparisons with the corresponding items for previous years.²

Called to the chief magistracy of the city without previous service in the Government, and believing that the first

¹ The current receipts and expenditures during the last three fiscal years have been as follows:

	Receipts.	Expenditures.	Surplus.
1891-92	\$13,465,035 37	\$13,381,001 27	\$84,034 10
1892-93	14,612,771 22	14,212,233 56	400,537 66
1893-94	14,677,286 28	14,587,995 00	89,291 28

The surplus for 1894-95 will probably be about \$100,000.

The receipts include the entire income of the city available for the general appropriations of the year. The expenditures include all unexpended appropriations from revenue for particular purposes, if any such there were at the close of the year. Such items are carried forward on the books of the new year, as credited to these special purposes; all other unexpended balances of appropriations, if any, — that is, all general department balances, — are allowed to lapse and figure in the surplus for the year.

² Blank forms were prepared for this purpose in 1892, and have proved of great assistance in the difficult task of keeping the department expenditures within the income of the city.

duty of a public officer charged with the disbursement of millions of dollars of the public money was to search the printed reports of the City Government for accounts that would show the cost from year to year of equipping and maintaining the various departments of municipal service, I was amazed to discover that practically there were none. I have in consequence been obliged to devote an inordinate amount of time to the work of securing this information, and of arranging it in convenient form for use. The time thus spent, amounting often to several hours a day for weeks at a stretch, has of course left so much less for the direction of the executive business of the city; but a correct and perspicuous system of accessible accounts is the only safe foundation for a successful administration of that business; and if my successors in office and all other inquiring citizens shall hereafter be able to investigate the financial operations of the city and its various departments with reasonable rapidity, I shall feel amply compensated for the time and labor bestowed upon this branch of the public business.

SECTION 4. *Changes Effected.* Some of the results of these labors can be seen by comparing the annual department reports for 1893-4 — particularly those of the Auditor, Architect, Board of Assessors, Board of Park Commissioners, and Street Department — with the corresponding documents for 1890; and by reference to the Appendix, which contains the tables that have been found the most useful in practice. These include eleven tables relating to the city debt and sinking-funds; ten relating to current revenues, expenses, and taxes; twenty-one relating to the water-works and other municipal investments; and eight relating to other matters. Still others will be found scattered throughout the text of this message.¹

Some of these tables have been submitted to the City Council in special messages; some were ordered to be printed in the department reports; some are now for the first time published.

¹ See Table of Contents, pp. 5 to 7.

The change in the fiscal year, effected in 1891,¹ and the order of December 5, 1891,² providing that the reports of all departments should be made for the fiscal year, have tended to simplify the book-keeping of the city, and to promote a correct understanding of our municipal finances.

A new system of book-keeping has been introduced into the Architect and Street Departments, so that it will be possible in these, the chief construction departments of the City Government, to compare the cost of future work with that executed during the past four years.³

SECTION 5. *Estimates of Income.* The method of estimating the income of the city available for the general expenditures of the year has been changed. This income consists of:

(a) Unappropriated cash in the treasury at the beginning of the year, being the surplus of receipts over expenditures for the previous year.

(b) Receipts from taxes for the current year.

(c) Receipts from unpaid taxes of prior years.

(d) Receipts from liquor licenses.

(e) The city's part of the tax on corporations collected by the Commonwealth.

(f) The miscellaneous receipts of the various departments.

For some years prior to 1893 it had been the custom to estimate so much revenue from liquor licenses, so much

¹ From 1822 to 1825, inclusive, the fiscal year ran from June 1 to May 31; from 1826 to 1891, inclusive, the fiscal year began May 1 and ended April 30; the fiscal year 1891-2 began May 1, 1891, and ended Jan. 31, 1892; and since then the fiscal year has begun February 1 and ends January 31. See ordinance approved March 21, 1891. This reform, so essential to that concentration of responsibility which the present charter seeks to secure, was for years blocked by the opposition of the heads of departments, notwithstanding its advocacy by every living ex-Mayor, as well as by the press, and in spite of the fact that Boston was the only city in the State in which the fiscal and political or municipal years were not coincident or nearly so. (See the reports of the Citizens' Association for 1888, 1889, 1890, and 1891, and various debates in the City Council, particularly that of July 1, 1889.)

² See also Rev. Ord. of 1892, chap. 3, sect. 22.

³ Prior to 1891 the books and accounts of the Street Department were kept in such a manner that it was impossible to ascertain the comparative cost of the different items of work. See the Reports of the Citizens' Association for 1889 and 1890.

from the corporation tax, so much from the departments, so much cash, so much from back taxes, and the *entire amount* of the tax levy for the year. Now, as taxes are never paid in full during the year of levy, this way of figuring out the annual receipts of the city would obviously result in a deficit, unless the other items of income were purposely underestimated. This I found to be the case; the danger of appropriating too much money being averted by a systematic underestimation of the income from licenses, corporations, departments, etc. Why this fiction should have been resorted to I never could find out, and concluded that it was time that the revenues of a great city should be officially estimated according to the facts of the case, and not upon the theory that we could safely appropriate for the expenditures of the current year not only the uncollected taxes of prior years, but all the taxes of the current year. The calculation could be changed so as to conform to facts in one of two ways: either by deducting an arbitrary percentage from the taxes of the current year to cover the amount that would not come in before its expiration; or by leaving out of the calculation the receipts from the unpaid taxes of prior years, on the theory that the amount of these would be about the same from year to year; the other sources of income being, in either case, given at approximately the real figures. The latter course was selected for adoption, and for the last two years the several items of the city income have been estimated on the basis of what they were likely to be, the certain deficit in the item of taxes for the current year due to the non-payment of part of them until after the close of the fiscal year being assumed to be offset by receipts, not included in the estimate, from taxes of previous years unpaid at the beginning of the current year.¹

A certain margin of safety must still, of course, be allowed, to guard against any unexpected shrinkage in taxes and

¹ Compare the estimates of revenue contained in the message on the annual estimates for 1890-1 (Doc. 49 of 1890), and for 1891-2 (Doc. 27 of 1891), with the estimates for 1894-5. (Inaugural Address, 1894, Appendix A.)

other receipts, and to cover the expenditures of those departments which are not under the control of the Executive.¹

SECTION 6. *The Monthly Exhibits.* The monthly reports of the City Auditor have been amplified by the addition of a debt statement, of a list of loans authorized but not issued, and of a calculation of the borrowing capacity of the city, as well as amended in other particulars; and a special statement is now published showing the payments during the last month of the fiscal year (January).

The Collector's monthly statements of receipts formerly contained only the receipts of the month; those now issued include the receipts for the month, and also the receipts for the entire fiscal year to the date of the report.

The Treasurer's monthly statements contain a statement of the amount of cash in the treasury derived from loans, income and trust funds respectively, whereas formerly the receipts from all sources were lumped together, and were used (apparently) without distinction to pay drafts of all kinds.

SECTION 7. *Other Changes.* Numerous other minor changes in our municipal accounts and reports have been introduced, with the object of facilitating inquiry. I feel confident that the changes and additions as a whole have removed the first difficulty in the way of a successful administration of our municipal finances, — the difficulty of getting at the facts. It would be presumptuous, however, to assume that the opportunities for improvement have been exhausted. On the contrary, much remains to be accomplished,² in the

¹ County, schools, and, to some extent, police.

² For instance: according to the calculation of "ways and means" statement at the end of the Auditor's Annual Report, the amount of the tax levy is reached by deducting the estimated income of the city, from other sources than taxes, from the appropriations voted by the City Council. This is, of course, the way in which a city with unlimited powers of taxation proceeds; it was the way in which the tax levy for this city was calculated prior to 1885; it would be the way since the tax-limit law of that year if the city appropriated less than the amount allowed; but inasmuch as the practice has been to appropriate every dollar that the law allows, the theory on which this calculation of the "ways and means" is ostensibly based is an absurdity.

The real way in which the appropriation and tax orders are now made up is first

way of simplifying and systematizing the financial records of the city ; and as the business grows, new methods of accounting will from time to time be found necessary.¹

to find out what the nine-dollar law allows the city to raise by taxes, and then to add to it the amounts for county expenditures and debt requirements exempted from the operation of the law ; the result is the tax warrant for city and county purposes. The appropriation order is then reached by adding to the total tax warrant the amount of the estimated income of the city from other sources. See Appendix, Table 6.

In other words, the actual process is almost the exact reverse of that shown in the statement of "ways and means," which in the future should be reformed so as to fit the facts of the case. It has always been correctly shown in the Auditor's statement accompanying the annual estimates.

¹ This criticism of the system of municipal accounts and reports existing prior to 1892 might be carried much further, but no one who ever made a serious effort to get exact figures at the City Hall will dispute its accuracy. Those who have not had occasion to make such investigation, and who may be inclined to think the strictures in the text too severe, may be referred to the following extracts from the annual reports of the "Citizens' Association:"

From the report for 1889:

"The advisability of changing the fiscal year of the city so as to make it correspond with the municipal year was carefully considered by the committees of this Association last year, as will appear by reference to the last annual report."

"Your committee addressed a communication to the City Council early in the year, setting forth the advantages of the proposed change, and requesting that the few amendments should be made in the ordinances which are required to effect the change. The matter was referred to the Committee on Ordinances, who gave a number of hearings."

"The City Treasurer and City Auditor appeared before the committee to oppose the change, but your committee could not see that the grounds of their opposition had any substantial basis."

From the report for 1890:

"The confusion caused by the multiplicity of our independent departments, the difference between the municipal and financial year, and the unsatisfactory method in which the books and reports of the several street departments are made up, all cause such hopeless confusion that it is entirely impossible for any one to know how our city work is really carried on, or how much it is costing, so that anything like careful and intelligent scrutiny and criticism on the part of citizens is quite out of the question. It is needless to argue that this is all wrong."

From the report for 1891:

"One of the serious troubles with our municipal system, as was pointed out in our last report (see pages 35-41), has been the faulty book-keeping and accounting in the executive departments. The reports were confused and unintelligible, giving very little information that was of any importance, and no two were arranged on the same plan. It was impossible to find out in any satisfactory manner what work had been

done or the cost of any work, excepting by taking the lump sum of money expended; and the trouble was increased by the fact that the department reports covered the calendar year, while the figures relating to the several departments in the Auditor's report covered the fiscal year from May to May."

(Opinion of Mr. E. W. Bowditch.)

"If it is fair to assume that taxpayers have a right to know, in reasonable detail, how the city spends its income, then it is proper to assert that the usual methods of making up the printed reports for each department fall so far short of what they should, that their publication and circulation are, to the ordinary taxpayer, of comparatively little value.

"Their general arrangement is not such as admits of making either fair comparisons or even reasonable deductions. For a professional man there is little information conveyed, except the total expenditures. Obscurity is unnecessary, and their form should be so remodelled, and results so tabulated, that any citizen can tell the cost of any public work without difficulty. Moreover, reports that are not clearly stated are apt to cause distrust on the part of the reading public, usually unfounded, but frequently sufficient to raise the question of honesty of purpose of the authors."

"Moreover, no two departments, as far as noticed, make the reports up in the same way, nor do they appear to carry on the business of the office in the same manner.

"All reports should be made up, so far as possible, on one general scheme or skeleton, amplifying where necessary, in order to secure clearness for readers. If this is expecting too much, there is no objection to retaining the present form, except the bulk; but, in addition, some scheme of tabulation for the expenditures should be adopted that would enable any one to understand without difficulty not only the total expenditures each year, but what is more important, what the payments are for, and at what rates per unit of measure."

"The folly of continuing a fiscal year that does not coincide with the calendar year is very apparent if the attempt be made to check any series of expenditures given in the department reports with figures given in the auditor's report. The former are for the calendar year, and the latter are for the fiscal year, which has ended the last day of April.

"The change recently authorized of having the fiscal year begin February 1, instead of May 1, does not cure the difficulty complained of, though the apparent differences between the expenditures, as shown by the department reports and those shown in the auditor's reports, will be very much less than heretofore."

(Opinion of Messrs. Joseph Davis and J. Herbert Shedd.)

"We also consider it desirable to provide for a uniform system of keeping accounts, and we believe that these accounts should be published in the annual reports in a tabulated form, so that each citizen can easily ascertain the cost of any particular public work."

These gentlemen, Messrs. Bowditch, Davis, and Shedd, were commissioned in 1890 by the Citizens' Association to make an investigation into the conduct of city business. The reasons for this investigation are given in the report of the Association for 1890:

"The impossibility of ascertaining the amount and cost of the work done by our several departments which has just been described, the knowledge that our expendi-

tures *per capita* are nearly double those of any other large city in the country, without, it is thought, any corresponding benefit to our citizens, and the general feeling of distrust in regard to the way in which our city work has been done for many years, have all created a strong desire on the part of the Executive Committee to make a thorough and careful examination of our leading departments, in order that it might be ascertained how the work is really carried on, as such knowledge must be first obtained before any intelligent attempt can be made to improve our system."

CHAPTER 3.

EXPENDITURES AND REVENUES.

SECTION 1. *In General.* The expenditures of the city of Boston for many years past have probably been greater than those of any other large city in the country. As early as the year 1849, Mayor Bigelow publicly asserted this fact, and in 1850 repeated the statement, saying that he had "reason to believe that there was no other city in the world the affairs of which, in proportion to its size, were administered at so great an expense as ours." Mayor Gaston, in 1871, called attention to the fact that the federal census of 1870 showed that the people of Boston paid larger taxes *per capita* than those of any other large city in the country. Mayor Prince, in 1879, expressed an opinion to the same effect; and according to the federal census of 1890 Boston led all the large cities of this country in *per capita* expenditure for schools, libraries, fire protection, street lighting, and works of charity; while the expenditure for police was greater in one other city only. The exact figures are given in the following table, compiled from Census Bulletin No. 82:

CITIES.	EXPENDITURE PER CAPITA.								
	Population.	Libraries.	Schools.	Fire.	Lighting.	Police.	Charity.	Total Ord. Exp.	Ord. Taxes.
Baltimore	434,439	.132	2.26	.649	.717	.179	.499	17.91	11.62
Boston	448,477	.363	4.28	1.945	1.321	2.64	2.283	35.94	23.13
Brooklyn	806,343	. . .	1.91	.163	.597	.157	.091	20.88	13.79
Buffalo	255,664	.015	2.92	1.185	1.018	1.46	.307	26.41	15.55
Chicago	1,099,850	.076	2.94	.90	.836	1.37	.019	16.73	6.73
Cincinnati	296,908	. . .	1.66	1.113	.749	1.58	.878	21.74	9.67
Cleveland	261,353	. . .	. . .	.969	.620	1.13	.318	11.06	7.46
Detroit	205,876	.115	1.55	1.565	.533	1.22	.155	14.95	9.66
New Orleans	242,039	. . .	.075	.975	.763	.631	.082	11.69	10.11
New York	1,515,301	.016	2.69	7.333	.470	3.04	1.57	32.30	19.66
Philadelphia	1,046,964	. . .	2.53	.639	.363	1.84	.462	18.95	11.55
Pittsburg	238,617	. . .	2.58	.960	.525	1.26	.320	12.93	11.25
St. Louis	451,770	. . .	. . .	1.006	.694	1.23	.784	13.74	7.23
San Francisco	298,997	.103	3.32	1.548	.964	1.81	.291	18.36	10.11

The current expenses of the city—that is, the money spent annually by the several departments for running expenses, maintenance, and repairs—are thus relatively larger than elsewhere. This is due principally to the desire of the people of this city for more and better service from the municipality than is required in other cities:—a fact particularly noticeable in everything that relates to water supply, schools, streets, libraries, collection of garbage, public lighting, and similar municipal conveniences. Special reasons for the relatively high rate of expenditure may also be found in the great length of streets compared with the population of the city; in the low water-rates and ferry-tolls established by the authorities in response to popular demand; in the high salaries paid to school teachers, police officers, and firemen; in the relatively large amount of work done by day labor; in the obligations from year to year imposed upon the city by the Legislature, such as extra sessions of the courts and experimental “drunk laws;” in the insistence by the Legislature on the taxation of municipal bonds;¹ and in its refusal to allow the municipality to obtain a revenue from the corporations using the public streets.

Further reasons for a comparatively large expenditure are to be found in the necessarily excessive cost in this city for a water supply, for drainage facilities, and for widening and straightening out the streets of the city proper. For reasons more fully explained below² the expenditures for these purposes have been relatively very heavy. The water-works have cost over \$20,000,000, while nearly \$40,000,000 has been expended for street widenings and changes of grade, and \$20,000,000 more for sewers and improvements connected with the problem of drainage.

If, however, we compare the expenditures of twenty years ago with those of to-day, we do not find any extraordinary

¹ The exemption of our bonds hereafter issued from taxation for municipal or county purposes would save the city from one-fourth to one-half of one per cent. in the rate of interest paid on future loans.

— ² See chap. 5, §§ 8 and 10, and chap. 8.

increase. The actual expenditures — understanding by that phrase all payments on account of the city of Boston, including county expenses and State tax, except for debt redeemed — were \$18,552,612.48 in 1873-4, and \$15,388,632.28 in 1874-5; while in 1892-3 they amounted to \$21,300,665.04, and in 1893-4 to \$21,696,999.35. The average amount expended during the five fiscal years from 1872-3 to 1876-7 was \$15,761,661.47, while the present rate of expenditure is between twenty-one and twenty-two millions.¹ The net debt of the city has increased from \$27,812,935.23 on December 31, 1874, to \$36,493,864.42 on December 31, 1894.

Thus although the expenditures of the city are still large, and probably larger relatively than those of most other cities in the country, it is satisfactory to discover that while the population has increased 46 per cent. in twenty years, the actual expenditures have increased only 36 per cent. and the net debt 31 per cent.; and that the tax rate has fallen from an average of \$14.06 per thousand for the ten years from 1874 to 1884 to an average of \$12.96 per thousand for the ten years from 1884 to 1894.

SECTION 2. *Current Expenses and Annual Revenues.* The large appropriation order of 1884 — \$10,284,019 for department purposes, or only \$281,667 less than the department appropriations for 1894-5 — and the consequent high tax rate, induced the Legislature of 1885² to limit the amount of taxation for municipal purposes to nine dollars on the thousand of the average valuations for the preceding five years, less abatements to December 31 preceding. The interest and debt requirements were excepted; and in 1887³ an additional amount of \$425,000 was allowed for county purposes.

This law caused an immediate reduction in the annual appropriation order, and the tax rate fell from \$17 in 1884 to \$12.80 in 1885; since which time it has fluctuated between

¹ See Appendix, Table 13.

² St. 1887, chap. 281.

³ St. 1885, chap. 178.

\$12.60 and \$13.40, the average having been, as already stated, \$12.96.¹

Notwithstanding this curtailment of income, in 1887 the salaries of the policemen and firemen were increased by an amount equivalent to \$187,000 per annum, on the basis of the number at present employed, and the ferry-tolls were reduced to the lowest possible point. The task of keeping the departments within the limited appropriations allowed by law was a difficult one under any circumstances, and the difficulty was not diminished by the increase in salaries and reduction in revenue referred to. It is not, therefore, surprising that the practice of borrowing money for current expenses should have been revived, and recourse had to this expedient in three of the fiscal years that have since elapsed.²

During the past four years the city has lived strictly within its income, no money having been borrowed for the current expenses of the Government.

There has been an increase during these four years in the revenue from the water-works,³ in the amount received from liquor licenses,⁴ and in the product of the \$9 law;⁵ and there has been a decrease in the cost of gas, electric lights, telephone charges, and in a few other particulars.

On the other hand, there has been an increase in expenditure due to establishment of the new street-cleaning and street-watering services; and the School Committee and other departments generally have received a regular annual increase in appropriations.

¹ See Appendix, Table 1. The tax rate during the past ten years has been as follows:

1885	\$12.80	1890	\$13.30
1886	12.70	1891	12.60
1887	13.40	1892	12.90
1888	13.40	1893	12.80
1889	12.90	1894	12.80

² 1888-9, 1889-90, and 1890-91; also in 1885-6. See p. 49.

³ Which has indirectly been of assistance to the other departments in permitting a large reduction in the charges for fire hydrants, and thus releasing for general municipal purposes money previously taken from the tax levy for the maintenance of the water-works.

⁴ Owing to an increase in the number granted, based on the growth of population.

⁵ Due to increase in valuations.

Some saving in expenditure can, perhaps, be effected in the various departments, but it is not likely that a great or permanent gain to the city treasury will be realized in this way.

The revenues of the coming year, 1895-6, available for department expenditures are estimated at \$10,914,814, which is about three hundred and fifty thousand dollars in excess of the department appropriations for 1894-5. The departments of Parks, Schools, Police, Hospital, Library, and County will need more money than in 1894; while smaller appropriations than those of last year will, I think, be sufficient for the departments of Public Grounds, City Clerk, Mt. Hope Cemetery, and Streets. On the whole it should be easier in 1895-6 than in any year since the limitation of the tax rate to keep the expenditures of the city within its income.

SECTION 3. *Additional Sources of Revenue.* Besides the probable growth of revenue from the ordinary sources noted in the preceding section, it would be possible to increase the income of the city very much if the Legislature would impose a direct tax on legacies, or otherwise relieve the city from the burden of sustaining an undue share of the cost of the State courts; or if it would authorize the collection of annual fees from the various corporations and private persons to whom privileges to use the streets are granted. The Board of Police has the power to add \$500,000 to the annual revenues of the city by increasing the fees for liquor licenses; and the Legislature can accomplish the same result by abolishing the limitation in the number issued. Eventually, there should be a revenue from the subway. The substitution of the assessment plan for the system so long in vogue for building streets and sewers out of the public treasury would save at least half a million dollars yearly in the net payments from income and borrowed money for street improvements.

SECTION 4. *County Expenses.* The expenses of the county of Suffolk, all of which are borne by the city of Boston, but over which the city authorities have practically

no control, are increasing much more rapidly than the department expenditures of the city proper. The expenditures for the county of Suffolk in the fiscal year 1885-6 were \$416,970.03, while the appropriation for the current year 1894-5 was \$570,000, which will be exceeded by about \$50,000, making a total expenditure for the year of about \$620,000; an increase of about \$203,000, or 48.8 per cent., in nine years. The expenditures of the other departments have increased from \$7,648,952.94 in 1885-6 to \$9,935,686 originally appropriated for 1894-5, which will be exceeded¹ by about \$200,000, making a total department expenditure on account of the city during the current fiscal year of about \$10,135,000, an increase of \$2,486,000, or 32.5 per cent. Nor is this all, for during the ensuing fiscal year the expenditures for the county of Suffolk are likely to exceed materially the amount expended this year.

The reason for this excessive rate of increase in the county expenses is to be found in the fact that the business transacted by the Supreme Judicial and Superior Courts in this city is increasing at a rate out of all proportion to the growth of population, which, roughly speaking, is the measure of the necessary increase in the general department expenditures of the city.² New sessions are being continually ordered by the Legislature or established by the courts; and I am informed by the Chief Justice of the Supreme Judicial Court and the Chief Justice of the Superior Court that in their opinion fully one-half of the judicial business of the Commonwealth is now transacted in this city. This concentration of litigation in Boston is due to the law governing the venue of transitory actions, which enables attorneys all over the Commonwealth to take advantage of the greater facilities for transacting business, of the more constant presence of the judges, and of the larger verdicts which are returned by Suffolk County juries, to bring their actions in this county.

¹ Owing to transfers from surplus revenue.

² The estimated present population of the city is 500,000, an increase of 110,000, or 28 per cent., over the result obtained in the State census of 1885.

The new court house, covering four times the area occupied by the buildings formerly used for court purposes, is already crowded, a result largely due to the unexpected increase in business. The expense of maintaining the new building in proper repair will also be considerably more than the amount expended on the old buildings for this purpose.

The tax-limiting legislation of 1885 prohibited the city of Boston from raising by taxation for municipal purposes (exclusive of requirements on account of the city debt and the State tax) a sum greater than nine dollars on the thousand of the average valuations for the preceding five years, less abatements; while other cities were allowed to raise by annual taxation for municipal purposes a sum equivalent to twelve dollars on every thousand of the average valuations for the preceding three years, less abatements, and were in addition permitted to raise the requirements on account of their city debt and State and *county* taxes.¹ Inasmuch as the expenditures of the county of Suffolk were municipal expenditures of the city of Boston within the meaning of this law, the limit of taxation allowed in Boston was in reality less than that allowed for other cities, not only to the extent of the difference between nine dollars and twelve dollars on the thousand, but also to the extent of the expenditures for county purposes.

This inequality was partly removed in 1887 by a law which permitted the city of Boston to raise for county expenses a sum not exceeding \$425,000 a year in addition to the amount permitted under the statute of 1885.²

The law still discriminated between Boston and the other cities of the Commonwealth, as in the case of this city the amount that could be added to the general taxes for county purposes was limited to \$425,000, while other cities and towns were permitted to add the actual amount of the expenditure for county purposes. This discrimination is understood to have been based upon the fear that the city authorities of Boston, who themselves had the power to levy the county

¹ Stat. 1885, chap. 178.

² Stat. 1887, chap. 281.

tax, might make the annual appropriation for county purposes larger than necessary, transfer the surplus to the use of the municipal departments, and thus effectually evade the law limiting the rate of taxation. The limit was therefore fixed at \$425,000, which was the appropriation for county expenses for the fiscal year 1886-7. This theory, however, omitted to take into account the inevitable increase from year to year in the expenditures for the county of Suffolk, which, for reasons stated, has been greater than anticipated.

Under these circumstances, attempts have frequently been made to induce the Legislature either to allow the city to assess in the annual tax the entire amount of the county expenditures, as well as the amount allowed by the law of 1885, or else, if it was still thought desirable to impose a limit on the county expenditures, to increase that limit above the \$425,000 allowed by the Act of 1887. I have never believed, however, that these applications were wise, and have objected before committees of the Legislature to the passage of any law which, by increasing the amount to be taxed for county purposes, would indirectly increase the rate of taxation for current expenditures beyond the limits fixed by the Statutes of 1885 and 1887. It is possible, with economy and constant watchfulness, to administer the business of the city and county within the rate of taxation limited by these two laws; and that limit should not, in my opinion, be increased.

I do not, however, disagree with those who consider the present situation unfairly burdensome upon the city, which, through the operation of the laws relating to the venue of transitory actions, is obliged to pay an undue proportion of the expenses of litigation in Massachusetts; but the remedy for this condition of affairs, I conceive to be, not additional taxation of the citizens of Boston for the convenience of litigants from other parts of the State, but a readjustment of the judicial expenditures of the Commonwealth upon some basis which shall not impose upon the people of this city the cost of trying cases in which they are not concerned.

The recent decision of the Supreme Judicial Court confirming the constitutionality of the law of 1891¹ imposing a tax upon legacies and successions, and the large financial results which have accrued to the State of New York through the imposition of a tax upon direct as well as collateral inheritances and bequests, point out a way by which the burden of our judicial expenditures can be diminished in amount as well as distributed more equally than at present without any increase in the amount of annual taxation. The law of 1891 should be amended upon the lines of the New York statute² by including direct inheritances, devises, and bequests within its operation; and the taxes thus collected should either be paid directly to the treasurers of the several counties having jurisdiction over the estates, or to the Commonwealth. In the former case, the city of Boston would get the full benefit of the tax upon the estates of persons resident within its limits; and in the latter case the Commonwealth itself should assume the judicial expenditures of all the county courts, defraying them so far as possible from the tax on legacies and successions. If the latter plan is adopted, the city of Boston will no longer be forced to contribute an undue proportion of the judicial expenses of the Commonwealth, and on either plan the burden of taxation for county purposes to the people as a whole will be materially lightened.

SECTION 5. *The Tax Limit.* The tax limit imposed in 1885 permits the city, with the additional \$425,000 allowed in 1887, to raise all the money needed for the current expenses of the Government, if administered with economy and vigilance. I have seen no reason to alter the opinion expressed to the Legislature in 1890,³ and frequently since, that no change should be made in the tax limit. Much can be said in favor of abolishing the limit altogether, but nothing at all, in my judgment, in support of a higher one. An increase of a dollar or a dollar and a half in the

¹ St. 1891, ch. 425.

² I have at various times petitioned the Legislature for the passage of such a law, but the opposition to it has hitherto been sufficient to defeat the application.

³ In an argument before the Committee on Cities February 27, 1890.

thousand would give the city from \$800,000 to \$1,200,000 per annum more to expend than can now be raised ; but there is no real necessity for the increase in municipal service that such a sum would pay for, and there is every reason to fear that most of it would be frittered away on increases in the number and salaries of the city employees, or on unnecessary local improvements, and that in the end no benefit would be received commensurate with the increase in taxation.

Something might be said in favor of adding a dollar to the tax rate for the purpose of increasing the sinking-fund for loans outside the debt limit, or for the purpose of borrowing so much less ; but no good reason can, in my opinion, be assigned for increasing the present burden of annual taxation for general municipal purposes.

SECTION 6. *Valuations.* The valuation of real estate for purposes of taxation is one of the most important duties of the municipality, and is in charge of a board of nine principal assessors, supported by seventy-two assistants. This work is judicial in its character, and therefore removed from the control of the Mayor, who would not be justified in forcing upon the assessors his personal views of the manner in which they should perform their statutory duties.

I am of the opinion, frequently expressed, that there is a systematic undervaluation of suburban and vacant lands, which results in a higher tax rate than ought to be declared, and in an inequitable distribution of the burdens of taxation.

Real estate in the business portions of the city, in the older residential parts, on the Back Bay, at the South End, and in Charlestown is assessed at from 60 to 90 per cent. of its value, while vacant, unimproved estates in the suburbs are assessed at from 25 to 60 per cent. of their market value. This, of course, is an opinion merely ; but it is an opinion founded on special opportunities, both private and official, for drawing a correct conclusion.

And not only are suburban valuations low in comparison with those placed on other real estate, but they are relatively

lower to-day than in the past ; that is, there is a greater difference between the assessed and real values of this class of property than there was fifteen or even ten years ago.

The amounts paid for our park lands between 1877 and 1884 exceeded the assessors' valuation by $18\frac{2}{3}$ per cent. ; the amounts paid between 1885 and 1890 exceeded the valuation by $66\frac{2}{3}$ per cent. ; and the excess for the last five years (1890-1894) has been $88\frac{22}{100}$ per cent.¹ Lands recently purchased by the New York, New Haven, & Hartford Railroad Company have cost 77 per cent. above the assessors' valuations. Nine estates near each other were offered to the city in 1893, in response to advertisements for the department of Public Grounds, at from 47 to 497 per cent. above the assessed values ; and the recent attempt to procure a site for a trade school has brought forth a similar result. A like experience constantly attends the efforts of the School Committee and other departments to obtain suburban sites.

It should be borne in mind that since 1890 the taxpayer has been protected against overvaluations by chapter 127 of the acts of that year, providing for appeals from the assessors of taxes to the Superior Court. Prior to the passage of this law the property owner had no redress from the assessors' figures, except an appeal to the County Commissioners, or, in the case of Boston, to the Board of Street Commissioners. He has now an appeal to the courts of law, with all that that implies. It is a significant fact that no such appeals have ever been taken from the valuations of our assessors. This is proof that they are not excessive ; and

¹ The exact figures are :

PERIOD.	Assessed value.	Amounts paid without interest or costs.
1877-1884	\$1,387,588 50	\$1,646,629 67
1884-1890	591,576 39	996,568 65
1890-1894	1,113,357 65	2,094,505 41

the figures given tend to show that assessed values are, in fact, much lower than they should be — particularly in the case of vacant suburban lands.

The question is not so much one of absolute or total valuations, — for a low valuation and a high tax rate are the same thing in the end as a high valuation and a low tax rate, provided all property is valued on the same basis. The real question is equality of valuation, and in this respect it is submitted that the owners of undeveloped suburban property in this city enjoy an unfair advantage over the rest of the community.

The discrimination in favor of vacant unimproved land works injustice to all who pay taxes on improved real estate or personalty, and also to those who are assessed a poll-tax only, for they pay substantially in full. Farms and country estates should be assessed as available for building lots if they have in fact a market value for that purpose. To value such lands solely with reference to their present use is a violation of the sworn duty of the assessors to make "a fair cash valuation of all the estate, real and personal, subject to taxation."¹

The last man in the community whom the tax-gatherer should favor is the owner of vacant land who makes no improvements at his own expense, but allows his property to lie idle, preventing all the while its development by others, in the hope of reaping in the end an increment in value unearned by him and due exclusively to the enterprise and activity of others, and the growth of population. The speculator in vacant lands is everywhere a hindrance to prosperity, but he is the special curse of this community, where he not only controls the course of legislation² and the action of the City Council, but also the assessment of taxes.

The general tax laws of the State are as injurious to the prosperity of the city to-day as Mayor Quincy considered them in 1828; the double taxation of many classes of personal estate is driving wealth and business away more rapidly

¹ Public Statutes, ch. 11, § 45.

² See chapter 8, § 3.

than ever; but the heaviest and most inequitable of all the burdens that the general taxpayer in this community has to bear are the obligation to pay the entire cost of streets laid out and built in the suburban sections principally for the benefit of individual land-owners, and the failure of the assessors to place a "fair cash valuation" upon suburban land.

CHAPTER 4.

INDEBTEDNESS.

SECTION 1. *Definitions.* The expressions "debt," "gross debt," and "net debt" are not used in the same sense in all systems of municipal book-keeping. Sometimes temporary loans issued in anticipation of taxes and payable within the year are included, and sometimes not. In some systems loans authorized but not negotiated are included, and in other systems they are excluded. Sometimes all the cash in the city treasury is taken into account, and sometimes even unliquidated assets, such as real estate, is deducted at its estimated value in figuring out the net indebtedness. By the expression "net debt" is generally meant, however, the balance obtained by subtracting from the gross debt all liquidated assets of the city applicable to its redemption.

The system in use in Boston from an early period is to include in the gross debt all outstanding loans, notes, scrip, and other negotiable or registered obligations, not issued in anticipation of the taxes and payable within the year, and to include in the means of redemption all liquidated assets or property which is pledged to the redemption of the debt; the net debt being found by subtracting these means of redemption from the gross debt.¹

¹ The "net debt" of towns and cities, defined by St. 1883, chap. 127, is arrived at by taking the gross debt of the city, deducting the amount issued for water purposes and also the amount of the sinking-funds. The "net indebtedness" of the city of Boston used as a basis for determining the borrowing capacity is reached by deducting from the gross debt all water loans, all loans authorized outside of the debt limit of 1885, and also the moneys and investments in the hands of the Commissioners of Sinking-Funds applicable to loans inside the debt limit. It is obvious that neither of these two kinds of "net debt" has anything to do with the real net debt of the city, as both of them leave out of account all water scrip and bonds, and one of them omits all loans issued outside of the debt limit. Moreover, neither of them include in the means of redemption anything beyond the moneys and investments actually in the hands of the Sinking-Funds Commissioners; whereas, as a matter of fact, securities in the hands of the City Collector of Boston

In the means of redemption are thus included the cash in the hands of the Sinking-Funds Commissioners, and the other investments of the sinking-funds, as well as notes, bonds, mortgages, betterments, assessments, and other liquidated obligations in the hands of the Collector, which are applicable or pledged to the payment of debt, and are to be handed over to the Commissioners of Sinking-Funds when converted into cash.

SECTION 2. *Increase since 1890.* While the exact net debt of the city at any given date is therefore easy to compute, a comparison of the real increase of indebtedness in one administration with the increase in another is not an easy matter. Such a comparison is complicated by various conditions: the amount of cash on hand derived from loans; the amount of loans authorized but not negotiated; the amount of the expenditures rendered necessary by the acts of previous administrations, but for which no money had been provided; the amount of expenditure necessitated by the acts of the administration in question, for which money must be borrowed in the future; and the amount of State loans, the interest and sinking-fund requirements of which are paid by the city.¹

On December 31, 1890, the gross debt of the city was \$55,440,561.06, the means of redemption \$24,381,864.08, and the net debt \$31,053,496.98.

During 1891 there was no increase in the city debt — meaning net debt — for the reason that the change in the fiscal year effected that year enabled the city to procure from the tax levy a large surplus above the amount needed for the current expenses of 1891-2; and this surplus was used for certain per-

are, generally speaking, as certain of collection and application to the redemption of the debt as the investments of the Sinking-Funds Commissioners.

The real net debt of the city has from the earliest times been held to be the gross debt, less all cash and other liquidated assets applicable to the redemption of the debt held by any committee, city official, or Board of Sinking-Funds Commissioners; and the statements of net debt have been made up upon this basis at the close of each calendar and fiscal year.

¹ The annual assessments on account of these loans are included in the State tax, and represent moneys borrowed by the Commonwealth for local armories, for the Metropolitan Sewerage system, for the Metropolitan parks, and to secure the abolition of certain grade crossings.

manent improvements for which money would otherwise have been borrowed. During 1892 there was also no increase in the debt, a result partly due to the fact that the City Council of that year attempted to use the borrowing capacity of the city for purposes which did not meet with executive approval,¹ and partly to the fact that the new buildings for the City Hospital and Public Institutions, to which a large part of the loans authorized that year related, could not be so pushed as to require much money until 1893. In 1893 and 1894 a considerable increase in the debt took place, the principal causes having been a change of policy respecting the completion of the park system, some unexpected opportunities for street widenings, the failure to sell the old Public Library building,² and the interference of the Legislature with the street-construction law of 1891.

The gross debt of the city on December 31, 1894, was \$58,654,211.56; the means of redemption, \$22,160,347.14; and the net debt, \$36,493,864.42; an increase in four years of \$5,440,367.44.

SECTION 3. *Special Reasons for the Increase.* A special reason might be assigned for this increase in the large sums of money which had to be borrowed during the past four years to meet what may be called the legacies of prior administrations, handed down in the shape of work to the execution of which the city was committed, but for which no money had been provided. These items³ would

¹ See veto message of May 24, 1892.

² This property was supposed to be worth \$1,000,000, and has been in the market for nearly a year. Its proceeds are pledged to the sinking-fund for the debt created to build the new Public Library on Dartmouth street.

³ As follows:

Object.	Year in which the city was committed to the work.	Money borrowed between Jan. 1, 1891, and Dec. 31, 1894.
Cochituate Water-Works	1846	\$1,575,000
Parks	1875	4,600,000
Improved Sewerage	1877	300,000
New Library Building	1886	989,000
Roxbury High School	1887	87,000
Stony Brook	1887	68,000
Commonwealth Avenue	1887	660,000
New Court House	1887	521,000
Department deficiencies for the fiscal year . . .	1890-91	340,000
Total		\$9,140,000

The amount charged to parks does not include the sums borrowed on account of the North End park taken in 1893 (\$150,000), and on account of the Brighton playground taken in 1894 (\$25,000).

account for \$9,140,000, or almost double the entire increase.

All such arguments are, however, more or less fallacious, for the reason that every administration inherits a certain amount of borrowed money, leaves behind it a certain amount, has or ought to have a certain amount of property to sell, is obliged to finish up a great deal of work to which the city has been committed in previous years, and itself leaves uncompleted projects behind for which no money has been raised.

SECTION 4. *Loans authorized, but not issued.* It is particularly misleading to include in the net debt all unnegotiated loans.¹ Every administration ought to leave ample authority to borrow money behind it; and the money should not be borrowed in advance of the necessity for it, as the city has to pay about three and a half per cent. per annum for interest, and receives only about two per cent. on its bank deposits. If, as must be the case, public works are authorized, the construction of which will take a number of years, it is better to obtain the authority to borrow all the money needed, and only issue the loans from time to time, as required, than to borrow it all at once, or fail to procure the right to issue enough bonds to complete the work.

A special effort has been made by this administration to secure from the Legislature and the City Council the

¹ As was done by Mayor Cobb, who in his valedictory address figured out that the debt had been reduced during the three years of his administration by over \$500,000. The fact, however, is that during those three years the actual net debt of the city rose from \$21,176,398.13, on December 31, 1873, to \$28,277,032.96, on December 31, 1876, an increase of \$7,100,634.83. Deducting from this figure the increase in the net debt due to the annexations on January 4, 1874, we have still an increase of \$3,972,994.23 in the three years. The fallacy of taking into account the loans authorized but not negotiated, at the beginning and end of the period in question, while leaving out of account the cost of works begun without providing the money to complete them, is further shown by the fact that during these three years the city was practically committed to a system of public parks, to the construction of the main drainage works, and to the extension of our water-works along the Sudbury river; enterprises which have since cost \$25,000,000 more than the amounts provided for them prior to December 31, 1876.

power to issue from time to time as required all the loans needed for the completion of the public works to which the city is committed. The loans authorized and not negotiated December 31, 1894, were as follows :

Date of Order.	Object.	Inside of Debt Limit.	Outside of Debt Limit.
Oct. 24, 1891,	Library building, Dartmouth st..		\$200,000 00
April 26, 1893,	Additional supply of water		1,800,000 00
May 17, 1893,	Public park, Wards 6 and 7	\$150,000 00	
Feb'y 1, 1894,	New buildings, City Hospital	300,000 00	
Feb'y 12, 1894,	Charlestown bridge	740,000 00	
June 8, 1894,	Public parks		1,000,000 00
June 25, 1894,	Laying out and construction of highways		1,000,000 00
July 12, 1894,	Columbus-avenue extension	300,000 00	
St. 1894, ch. 548	Rapid transit		50,000 00
		\$1,490,000 00	\$10,950,000 00

The City Council can also authorize a further loan under St. 1891, chap. 323, for the laying out and construction of highways, of \$747,162.91 ; while the borrowing capacity of the city under St. 1885, chap. 178, and St. 1891, chap. 93 was on January 1, 1895, \$2,509,074. On that date loans amounting altogether to \$15,696,236.91 could be issued without further action of the Legislature.

If any one deems it proper,¹ in calculating the increase in the net debt during a given period, to include loans author-

¹ No regular statements were printed of loans authorized but not issued until recently, when, for the convenience of the Mayor and other financial officers of the city and for the information of the public, such a statement was incorporated in the monthly exhibit of the Auditor, first appearing in that for December 31, 1892. These statements have been thought by some persons to indicate a change of system, and the suggestion has been put forth that it was something altogether

ized but not issued on the theory that money must be borrowed for work begun during the period in question, it is necessary, of course, to omit all loans intended to pay for work which has not yet been ordered, and which may therefore not be undertaken, and to deduct all moneys borrowed during the period to complete works begun before it. If such a calculation were made at the present time, we should begin with an actual increase in the net debt of \$5,440,367.44; add to it the amount of loans not yet negotiated needed to defray the cost of work to which the city is actually committed through the acts of this administration, namely, \$7,440,000,¹ and deduct the \$9,140,000 borrowed on account of work previously ordered. This calculation would result in an apparent increase in the net debt of \$3,740,367.44.

A still more complicated calculation might be made by taking into account the cash on hand derived from loans at the beginning and end of the period in question.²

But these calculations are unending, and, to a great extent, misleading. The important point is the actual increase or decrease in the net debt as it appears upon the Auditor's books; and if further considerations are to be taken into account, it would appear to be sufficient to scrutinize the purposes for which bonds have been issued during the period

new to refrain from borrowing money as soon as authorized. This, however, is not the case, as probably no date could be picked out for many years on which the city did not have the right to borrow a large amount of money on account of loans not then negotiated. Thus, the amount of loans authorized but not issued, on December 31, 1872, was \$4,077,000, without counting the loan of \$20,000,000 to rebuild the burnt district, which was subsequently declared void by the courts; \$4,086,000 on December 31, 1877; \$3,298,500 on December 31, 1882; \$789,000 on December 31, 1890; and so on.

¹ North End park	\$150,000
Hospital	300,000
Bridge	740,000
Subway	4,950,000
Columbus avenue, etc.	1,300,000

\$7,440,000

²The cash on hand derived from loans December 31, 1890, was \$3,480,401.38, and on December 31, 1894, \$2,029,084.52.

in question, and to consider the character of those unexecuted projects to which the city has been committed by the acts of the administration in question.

SECTION 5. *Loans issued since January 1, 1891.*
The use made of the city's credit during these four years is shown in the following table, which gives the purposes for which bonds were issued between December 31, 1890, and December 31, 1894:

LOANS ISSUED BY THE CITY OF BOSTON BETWEEN JANUARY 1, 1891, AND DECEMBER 31, 1894.

(Exclusive of temporary loans in anticipation of taxes repaid during the fiscal year.)

Cochituate Water-Works	\$1,575,000
Sewers.....	457,860
Improved Sewerage	300,000
Stony Brook	68,000
Paving, Street Construction, etc.....	1,957,940
Street Widening, Extensions, and Changes of Grade.....	882,500
"Laying Out and Construction of Highways"	1,500,000
Bridges and Tunnels	343,300
Rapid Transit and Charlestown Bridge	60,000
Parks.....	4,775,000
Public Grounds.....	100,000

Public Buildings and Sites:

Suffolk County Court House.....	\$521,000
School-houses and Sites.....	1,773,025
Fire Department	175,000
Police Department.....	25,000
Public Institutions.....	804,500
City Hospital.....	778,500
Board of Health	50,000
Public Libraries.....	1,044,000
	5,171,025
Ferries	53,000
Quincy Market	10,000
Department Deficiencies of the fiscal year 1890-1.....	340,000
Tug-boat for Sewer Division	25,000
Total	\$17,618,625

SECTION 6. *Means of keeping the Debt down.* In view of the steady increase in the city debt, it should be the aim of every administration to keep it from expansion except for absolutely necessary purposes, and to adopt every proper method of reducing it.

A vigorous and fearless use of the veto power is necessary. During the past four years 241 loans or items in loan bills, involving an aggregate expenditure of \$2,683,375, have met with executive disapproval.

Applications to borrow money outside of the debt limit, whether emanating from the City Council or members of the Legislature, have been consistently and successfully resisted, if the effect of granting them would have been to increase the real burden of indebtedness; except in the case of the Park, Library, and Court House Loans. The loans for these purposes had from the beginning almost been authorized outside of the debt limit. The street construction law of 1891 also authorized the issue of bonds outside of the debt limit; but as that act was originally drawn, no increase in the net debt could arise from its operations. Whatever increase has taken place¹ in the net debt due to the issue of loans for the "laying out and construction of highways" is the result of the action of subsequent Legislatures in amending, against my protest, the financial provisions of the original law. These provisions ought to be restored, and no more suburban streets should be built at public expense. A large loan outside of the debt limit has also been authorized for the construction of the subway; but if this project is properly carried out, it should not result in a permanent increase in the city debt or in any permanent burden upon the taxpayers. It ought to be a self-supporting investment. Water loans have also been issued outside the debt limit; but the water-works are now upon a self-supporting basis, and the net water debt is less than four years ago.

I see no reason for requesting or authorizing any further loans outside the debt limit.

¹ \$894,163.77. See Appendix, Table 24.

No loans have been issued for current expenses during the last four fiscal years.¹

The use of the city's credit for trivial or perishable objects has been discouraged; the object consistently kept in view in the exercise of the borrowing power of the municipality having been to restrict its use to objects of permanent, admitted, and general utility.

The net debt of the water-works (Cochituate and Mystic) has been reduced by \$967,988.06;² and if the present theory of management is adhered to, there is no reason why there should not be a very material reduction in the water debt during the next ten years, notwithstanding the necessary construction of expensive storage basins on the Sudbury water-shed.³

All proceeds of sales of land should be turned into the sinking-funds, or devoted to purposes for which otherwise money would be borrowed. Since 1890, \$430,022.21 has been realized from the sales of land, of which \$140,833.88 was paid to the Commissioners of Sinking-Funds; \$144,977.97

LOANS FOR CURRENT EXPENSES.

Such loans have been frequent in the history of the city. See Mayors' inaugurals in 1835 and 1855. The aggregate amount of the department deficiency loans since 1822 is \$3,284,133.53, besides which a large part of the loans entered simply as "miscellaneous," amounting to \$3,763,355.97, were probably issued for the running expenses of the government. Of the deficiency department loans, \$1,628,439.30 was issued between the limitation of the tax rate in 1885 and the commencement of the fiscal year 1891-2. It should be noted, however, that these last-mentioned loans were not all for strictly current expenses, and it is quite likely that the loans entered in the earlier reports as miscellaneous or deficiency loans were partly for permanent improvements. Since the limitation of the tax rate in 1885, out of the total amount of money borrowed to make up department deficiencies, — namely, \$1,628,489.30, — only \$1,344,632.10 was really for the current expenses of the government, the rest having been used to make good transfers from department appropriations for buildings and other permanent improvements.

The law of 1891 (chap. 206), prohibiting the borrowing of money for current expenses without the certificate of the Mayor that the loan is in his opinion necessary, has been a great help in preventing the City Government from issuing such loans. No occasion has arisen since the passage of this law which, in the opinion of the Executive, called for a certificate that a loan of this character was necessary.

	Dec. 31, 1890.	Dec. 31, 1894.
² Net Cochituate debt	\$10,391,743 77	\$9,443,032 90
" Mystic "	19,277 19	
Total	\$10,411,020 96	\$9,443,032 90

³ See chapter 18, §§ 3 and 4.

was used for school-house sites, buildings, and furniture ; and \$144,210.36 was treated as general revenue. Since early in 1893, all proceeds of sales of land have gone into the sinking-funds. Down to 1870 it was provided by ordinance that all such moneys should be used to pay the debt ; but from that year to 1893 they were subject to the order of the City Council. In 1893-4 and 1894-5 the general appropriation order provided that such receipts should be credited to general revenue or paid over to the sinking-funds, as the Mayor and Auditor should determine in the last two months of the fiscal year. In these two years they have in fact been covered into the sinking-funds.

Besides the act prohibiting loans for current expenses,¹ the Legislature has contributed to a sounder administration in respect to the use of borrowed money by authorizing the Treasurer to keep a general loan account,² and by prohibiting the City Council from making transfers from one department to another, except upon the recommendation of the Executive.³

SECTION 7. *Loans to be authorized in 1895.* Besides the special loans already authorized but not issued, the city has a general borrowing capacity of \$2,509,074.₄ of which use can be made during the coming year to provide reasonable additions to the school accommodations of the city, to furnish a few more buildings for the Department of Public Institutions, to enable the City Hospital to procure the rest of the land between Massachusetts avenue and the building for out-patients, and to complete certain features of the park system.

A further loan of \$747,162.91 can also be authorized for street improvements and sewers, under St. 1891, chap. 323, and amendments.⁵

SECTION 8. *Analysis of City Loans.* The loans issued by the city of Boston have been analyzed and tabulated, with the following result :

¹ St. 1891, chap. 206.

² St. 1893, chap. 192.

³ St. 1893, chap. 261.

⁴ As of January 1, 1895; reduced to \$2,337,074 by the loan order approved January 5, 1895.

⁵ See Appendix, Table 24.

The total amount of obligations issued between May 1, 1822, and December 31, 1894, exclusive of debts assumed on annexations, renewals of matured loans, and notes issued in anticipation of taxes and paid off within the fiscal year, has been \$110,715,431.18.

Cochituate Water-Works	\$20,146,711 11
Mystic Water-Works	222,000 00
Public Lands, etc., including Church-st. district and similar improvements	6,464,302 81
Drainage	8,947,860 00
Street Improvements	30,065,477 68
Laying Out and Construction of Highways, Bridges	1,500,000 00
Parks	2,037,700 00
Public Buildings	10,448,000 00
Public Grounds	19,730,001 83
Markets	504,700 00
Ferries	709,335 25
Mount Hope Cemetery	720,000 00
Harbor	42,000 00
War Expenses	8,000 00
Rapid Transit	2,013,850 00
Department Deficiencies	60,000 00
Miscellaneous	3,284,133 53
	3,813,358 97
Total	\$110,715,431 18

SECTION 9. *General Review of the City Debt.* At the incorporation of the city in 1822 there was no public debt except the sum of \$100,000 issued on account of the prisons and court house recently erected by the town of Boston. During the next thirty years there was a gradual increase of indebtedness, which by 1850 had arisen to \$5,000,000. By 1860 it was \$7,500,000. At the close of the war it was about \$9,000,000, and remained at about that figure until 1870. During the next seven years a great increase took place; the net debt on December 31, 1869, having been \$9,085,686.36, while on December 31, 1876, it was \$28,-

277,032.96. This increase of over nineteen million dollars was due partly to the annexation of the surrounding towns, but principally to the extraordinary expenditures for street widenings, over twenty-two million dollars having been spent for that purpose between 1868 and 1875. The Legislature of 1875¹ restricted the amount of indebtedness that the city could incur to three per cent. of the last valuation; and the ten years between 1876 and 1886 was a period of reduction, the net debt having fallen by December 31, 1885, to \$24,700,014.29. In 1885 the Legislature (St. 1885, chap. 178) interposed another barrier by limiting the debt that might be incurred, except for water supply, to two per cent. of the average valuations of the preceding five years, less abatements to December 31 preceding. At about this time, however, certain undertakings involving a great outlay were begun, under special acts authorizing loans outside the debt limit. The cost of the new court house and the new public library, as also most of the money spent upon the parks, has been met by loans issued during the past ten years outside the debt limit; and the debt has in consequence risen from about twenty-five million dollars in 1885 to about thirty-six and a half millions in 1895.²

With the completion of these three undertakings, — the court house, the public library, and the parks, — which together have involved the issue since May 1, 1885, of loans amounting to \$14,079,000, there is no reason why we should not again enter upon a period of reduction, if it were not for the contemplated construction of the subway. This enterprise, if carried out, will preclude all possibility of reducing the debt during the next few years; but apart from the loans for the subway, which ought to be self-supporting, the debt of the city should be less in 1900 than 1895.

There has been an increase in the city debt of nearly \$12,000,000 in ten years; but if we take a longer period, —

St. 1875, ch. 209. Water debts are excluded from the computation.

The loans authorized by the Legislature outside the debt limit of 1885 amount to \$24,406,000, of which \$14,681,000 have been issued. See Appendix, Table 22.

say, twenty years, — we find that the increase has been but \$8,000,000; that the ratio of increase has been less than the rate of increase in population; and that the debt is less *per capita* to-day than twenty years ago.¹

There would seem, therefore, upon the whole, to be cause for congratulation rather than alarm in the fluctuations of the city debt during the past twenty years; and if the debt is still larger than that of most cities, estimated *per capita*, it should be remembered that the cost of rendering this locality fit for the habitation of great numbers of people has necessarily been more than if Boston had, like other places, been favored with natural advantages for the inexpensive acquisition of drainage facilities, water supply, and broad thoroughfares for travel.

The credit of the city never stood higher than at present, the four per cent. loans issued in November, 1894, having been placed at a lower rate of interest to the purchaser than ever before. The premium realized was 13.55 per cent. for thirty-year bonds, a figure equivalent to a net rate of $3\frac{28}{100}$ per cent., which is less than the interest paid on any other loan of equal size ever offered by the city to the public.²

¹ Taking the net debt as it stood December 31, 1874, — namely, \$27,812,935.23, — and the population as given by the State census of 1875, we have a *per capita* debt of \$81.34; while on the assumption that there are now 500,000 people in the city, the debt *per capita*, December 31, 1894, was only \$72.98.

² The figures given in this paper are brought down to December 31, 1894, unless otherwise stated. Between that date and to-day (January 5, 1895), the million-dollar park loan authorized by the Legislature of 1894, to be issued on or subsequent to January 1, 1895, has been negotiated on a basis of 3.28 per cent. A loan order has also passed the City Council for \$177,000, divided as follows:

New school-house, Ward 15, in vicinity of Boston and Harvest streets	\$70,000
Primary school-house, North and West Ends	45,000
Cudworth-street School-house, East Boston, additional land in rear of	5,000
New school-house, Aberdeen District	30,000
New ward-room, Ward 22	5,000
Eustis-street School-house, grading grounds	7,000
Moulton-street Primary School-house, additional land for	5,000
Street Department, Gold-street bridge	10,000
	\$177,000

All of the items in this order have this day been approved, except that of \$5,000 for a new ward-room in Ward 22. As the ward lines are to be changed this year, it would seem best to postpone all further expenditure for ward-rooms until the city is redistricted.

CHAPTER 5.

THE PUBLIC HEALTH.

Believing that the first business of a great city was to protect the health of its inhabitants, I have deemed it my duty to pay special attention to the possibility of improving its sanitary condition.

The death rate of the city of Boston, due to preventable causes, has shown a marked decrease during the past twenty years, the average percentage of deaths from these causes during the last ten years having been 18.45 per cent. of the total number of deaths, while during the ten years next preceding the percentage was 26.78, and the city can no longer be officially described as "one of the most unhealthy of large cities;"¹ but it is nevertheless a fact that the percentage of deaths in this city from preventable causes is still greater than in London, Paris, and some other cities, and therefore greater than it should be.² As the cause of the reduction in the relative mortality from preventable causes during the past twenty years could fairly be assigned to the improvements in drainage and sewage disposal effected during that period, so I found it to be the opinion of the health experts of the city that a still further reduction could be effected through the action of the public authorities, and the expenditure of public money; and it was in particular the opinion of the Board of Health that although the percentage of deaths from diphtheria, scarlet fever, and other zymotic diseases was lower in Boston than in any other large city in this country, the excessive

¹ See inaugural address of Mayor Prince, 1877.

² The percentage of deaths in this city, due to preventable causes, during the past ten years has been 18.45 per cent. of the total number of deaths. The figure for 1893 was 17.43 per cent. The average during the past ten years in London has been 17.2 per cent.; in Paris, 17 per cent.; in New York, 23 per cent.; and in four other large American cities, about 20 per cent.

rate in this city as compared with London and Paris was due to the superior hospital accommodations of the latter cities for the isolation and treatment of contagious diseases.

SECTION 1. *Organization.* The general powers of the city relating to the public health, vested in the City Council by the general laws of the Commonwealth, by the charters of 1822 and 1854, and by various special laws, were in 1872 transferred by the City Council to a Board of Health.¹

This Board has charge, by virtue of the city ordinances,² of the quarantine, the small-pox hospital, the public bath-houses, and the public cemeteries, except Mount Hope Cemetery. It also attends to the abatement of nuisances, to the licensing of undertakers, to the authorization of stables, and to many other less important matters. Its chief function is to prevent the introduction and spread of contagious diseases, and for this purpose maintains a large corps of physicians and inspectors. Public vaccination is furnished when necessary, and a system of medical inspection of the public schools has recently been established.³ The Board has also been endowed by special statutes with special powers over certain kinds of nuisances, such as defective plumbing, obnoxious vaults, stagnant flats, etc.

Acute diseases (other than small-pox and cholera) and surgical cases are treated in the City Hospital, an institution established in 1861, and governed by a board of five trustees, constituting a corporation known as The Boston City Hospital. This board has charge of the City Hospital on Harrison avenue, and of the Convalescent Home in Dorchester.

The Inspector of Milk and Vinegar and the Inspector of Provisions are officers appointed to discharge the duties imposed upon the city by the statutes relating to the sale of milk, vinegar, and provisions.⁴

The Superintendent of Streets has charge of all matters

See Stat. 1821, chap. 110, sect. 17; Stat. 1854, chap. 448, sect. 40; and the Ordinance of December 2, 1872. For a short time at the commencement of the City Government a Board of Health existed, but it was abolished in 1824.

² Rev. Ord. of 1892, chap. 15.

³ November 1, 1894.

⁴ P.S., ch. 57, § 1, ch. 58, § 1, and ch. 60, § 71.

relating to the collection of garbage; to the cleaning and watering of the streets; to the construction and maintenance of the public sewers; and to surface drainage, except the Back Bay Fens and Muddy River improvement, which are in charge of the Park Commission.

The water supply of the city is in charge of the Boston Water Board.

SECTION 2. *Quarantine.* Gallop's Island, containing about sixteen acres, was purchased for a quarantine station in 1860 at a cost of \$6,600. Down to the threatened invasion of cholera in 1892, \$45,304.41 had been expended for improvements, consisting of a wharf and a few wooden buildings.

In that year additions were made, consisting of four new buildings, and a separate disinfecting plant was established upon the mainland near Swett street. These improvements, costing \$56,702.18,¹ have given to the city a quarantine and epidemic plant which, in connection with the other islands in the harbor, render Boston as well protected a city as any in the country against attacks of cholera and yellow fever.

The buildings can also be used in case of epidemics of other diseases.

SECTION 3. *Small-pox, Diphtheria, etc.* The present small-pox hospital is situated on Canterbury street, in Ward 24, on a lot containing about four acres, purchased in 1877.² The cost of land and buildings has been \$31,388.72.³

Diphtheria and scarlet fever have hitherto been treated in private houses or at the City Hospital; but the accommodations of the latter institution have long been felt to be insufficient, and the isolation of patients to be very imperfect. Accordingly, in 1892, it was determined to erect new wards for the treatment of contagious diseases on the land then occupied by the Department of Public Grounds on the south side of West Chester Park (now Massachusetts avenue) and

¹ \$22,638.99 at Gallop's Island, and \$34,063.19 at Swett street.

² Prior to this purchase a building on Swett street had been used as a small-pox hospital. It was destroyed by fire in 1872.

³ Land, \$9,034.00; buildings, \$22,354.72.

immediately opposite the City Hospital. This plant, consisting of seven buildings¹ with accommodations for 210 patients, is now practically complete and ready for occupation. The cost will be about \$500,000; and the buildings are considered to be the best built and best arranged of the kind to be found in any American city.

SECTION 4. *The City Hospital.* This institution was begun in 1861, opened in 1864, and occupied in 1890 an area of about eight acres, between Harrison avenue and Albany street. The original cost of the land and buildings was about \$400,000, and the total appropriations for the entire plant, consisting of twenty-one buildings, from 1861 to 1891, were \$873,627.15.

Since January 1, 1891, appropriations amounting to \$1,096,320.29² have been voted, and out of them the seven buildings for the contagious wards already mentioned have been built; also an ambulance stable and a new boiler-house; and several other buildings are now in process of construction for surgical and pathological purposes.

The land appropriated to the use of the hospital has been increased by about six acres.

If further appropriations are made, sufficient to secure the rest of the land between Massachusetts avenue and what was formerly Springfield street, and to erect thereon a nurses' home and two or three additional wards, the city will not only have one of the finest municipal hospitals in the world, but will have as large an institution as can easily be handled by a single administrative force. If a further development of this great charity is then deemed wise, it should take the direction of cottage or special hospitals in the different sections of the city.

¹ An entrance lodge, an administration building, a domestic building, a nurses' building, a laundry building, and two ward buildings; the whole surrounded by a brick wall.

² The appropriation of \$100,000 for land and buildings for the Department of Public Grounds, rendered necessary by the transfer of the nursery grounds on West Chester park to the City Hospital, should be added to the amount specifically assigned to the Hospital Department. This makes in reality a total of nearly \$1,200,000 appropriated in the last four years for improvements at the City Hospital.

SECTION 5. *Garbage.* House offal is collected by the employees of the Sanitary Division of the Street Department, and carted to various central stations, whence it is sold to farmers or taken out to sea. This method of garbage disposal has long been criticised, and after much investigation an experimental contract for a small plant in the Dorchester district has this year been given to a corporation exploiting a patented system of reduction. If the system proves a success, it can be introduced in other sections of the city, unless some better and cheaper invention is presented. If it proves in any respect a nuisance to the neighborhood, the contract provides that it shall be removed at the request of the Board of Health.¹

SECTION 6. *Street Cleaning.* It seems unnecessary to refer to the condition of the streets prior to the concentration of the different branches of street service in the hands of the late superintendent, or to the elaborate system of street cleaning introduced by him and its results. These results are recognized upon all hands; and the chief improvement now possible would seem to depend upon the citizens themselves, who, by abstaining from throwing paper and other refuse matter into the streets, would greatly facilitate the task of cleaning them. The present city ordinances forbid such conduct; but the Board of Police has either been unable or unwilling to enforce them.

SECTION 7. *Street Watering.* After various futile attempts to formulate and introduce a street-watering system upon the assessment plan, it was determined in 1892 to make a systematic effort to water the streets of the city at public expense. A special street-watering service was established by the Superintendent of Streets; the amount of money annually devoted to the purpose was doubled; paved streets were entirely excluded from the work of the department; and the macadamized streets were divided up into sections, the watering of them being either let out to contractors or done by teams hired by the department. This

¹ See Document 148, of 1894.

system involved a complete change in the method of watering the residential sections of the city on the Back Bay and at the South End, whence had come the principal complaint about dust. Since the introduction of the new methods, practically no complaints have been received at the City Hall of dusty streets, and the physicians and other citizens who were the chief promoters of the change appear to be entirely satisfied with the results accomplished.¹

SECTION 8. *Sewers and Surface Drainage.* For obvious topographical reasons Boston is a difficult and expensive city to drain. Without the benefit enjoyed by New York, Philadelphia, London, and other cities, of powerful river or tidal currents, and consisting in great part of filled land rising a few feet only above tide water, and in great part of rock, the soil can only be made fit for the occupation of a dense population by the most elaborate and expensive arrangements for the disposal of sewage and surface drainage.

The colonial system of "common sewers," built, owned, and managed by private citizens under public regulation, which was established at an early date in the history of the town, — probably prior to 1700, — lasted until 1823, when it was superseded by a system of public sewers, built, owned, and controlled by the city.

For the next fifty years the principal question connected with the drainage of this city was how to recover that portion of the cost of sewer construction that ought to be paid by the individuals immediately benefited; it being the aim of the authorities to collect a reasonable percentage of the cost of the public sewers in assessments on abutting or neighboring estates, in order that the individuals specially benefited should contribute to the cost of the work, and that the public appropriations available for the purpose should go as far as possible. It would have

See Stat. 1890, chap. 365; Stat. 1891, chap. 179; inaugural address, January, 1892; City Document 44, of 1892; and the annual reports of the Street Department for 1892-3 and 1893-4.

been much better to assess the entire cost, as is done in most of the large cities of the country; but the public funds of this city have always been regarded as held partly in trust for the development of real estate, and no administration has ever succeeded in getting rid of this radical vice in our financial system.

A great variety of assessment plans have been tried under various ordinances of the City Council and various acts of the Legislature: the principal ones being the ordinance of July 7, 1823; the general sewer law of 1841, chap. 115, accepted by the city April 7, 1841; chap. 232 of the Acts of 1878; chap. 456 of the Acts of 1889; chap. 346 of the Acts of 1890; and chap. 402 of the Acts of 1892. Under the ordinance of 1823 such sum could be assessed as the Mayor and Aldermen should deem just and reasonable; but from that year to 1837 only 21 per cent. of the cost of the sewers was in fact collected by assessments. In 1837 an attempt was made to assess the entire cost; but this idea seems to have been abandoned almost as soon as conceived, and the scheme was adopted of charging to the abutters three-quarters of the cost of the sewers, paying the remaining quarter out of the city treasury. This system lasted until 1889, but it did not result in the collection of the 75 per cent. theoretically assessed; the amount received under the Act of 1878, chap. 232 (which was the best of these 75 per cent. laws), down to 1889, having been only 38 per cent. In 1889 an entirely new plan was adopted, and modified the next year; the result of the two acts being that only 21 per cent. of the cost of construction was returned by the abutters in assessments. This was felt to be an imposition upon the taxpayers of the city, and the Legislature of 1892 was petitioned for a law which would authorize a larger assessment. The Sewer Act of 1892 was expected to produce the 75 per cent. which had for years been theoretically conceded to be a fair assessment; but up to February 1, 1894, the assessments amounted to only 59.9 per cent. of the amount spent for construction. The

Legislature of 1894 relaxed some of the provisions of this law, against the protest of the city; and the result is that, taking into account all the money spent for sewer construction under the law of 1892 to December 31, 1894, I find that only 58.8 per cent. has been covered by assessments. This percentage may be increased somewhat when the sewers now in process of construction are finished and assessed; but the present sewer law, though fairer for the city than its predecessors, is still unduly favorable to the abutters.

In view of the fact that the community has had to pay the entire cost of the Improved Sewerage and Metropolitan Sewerage systems, and of the Stony Brook, Muddy River, and Back Bay Fens improvements, and that it also defrays the whole expense of maintaining and keeping in repair the ordinary sewers, it seems only fair that at least 75 to 85 per cent. of the total first cost of the latter should be collected from the estates for the special benefit of which the sewers are built. The law should be amended in this sense, and the entire cost up to \$7 or \$8 a running foot should be assessed, instead of only \$4 as at present.¹

While the question of assessment was, is, and will continue to be of great importance, it was entirely superseded in urgency by the necessity, which became apparent about twenty years ago, of supplementing the system of public sewers, then all draining by various connections into the tide waters about the city, by entirely new and different methods of disposal. There being in most parts of the city no great fall towards the shore, and nowhere a tidal flow sufficient to sweep the sewage out to sea, the flats surrounding the city were gradually converted into permanent sewage deposits, their offensiveness became more and more apparent, the increase in the annual death rate was a cause of legitimate alarm, and the community became convinced of

¹ As some of our sewers cost from \$10 to \$75 a foot, the proposed change would still leave ample room for public contribution. The sum originally advocated before the committee on cities of the Legislature of 1892 was six dollars, but the real-estate owners induced the committee to fix it at four.

the necessity of adopting an entirely different system of sewerage disposal.

Accordingly, in 1876, after an agitation lasting some years, the Legislature authorized the city to establish main sewers and drainage works from and through the different sections of the city proper to discharging works at Moon Island.¹ The preliminary surveys for this system were made in 1876, the act of the Legislature was accepted in 1877, and the work was begun in that year. It was sufficiently advanced to be ready for use in 1884, — up to which time it had cost about four million dollars, — and has been in successful operation ever since. Since then about two million dollars more has been spent in improvements and extensions, bringing the total cost to December 31, 1894, up to \$6,304,068.09.²

The next important drainage work undertaken by the city was the care of Stony Brook, the principal natural channel for the surface drainage of Roxbury, West Roxbury, and the westerly part of Dorchester. This stream had given much trouble since 1850, and a good deal of money had been spent by Roxbury and West Roxbury, and, since annexation, by the city of Boston, in unsuccessful efforts to restrain its waters in times of flood. An elaborate improvement of the system was undertaken in 1880, and completed in 1884, at a cost of about \$400,000. This work was proved to be a failure by the flood of 1886, and a still more elaborate and expensive scheme was thereupon adopted. The work was begun in October, 1887, and completed in December, 1888. The cost of the conduit was about \$650,000, and about \$375,000 more has been expended for land and damages. Stony Brook, as a whole, has cost the city of Boston up to December 31, 1894, the sum of \$1,470,317.58.³

The next large work undertaken for the purpose of controlling the surface drainage was the creation of the basin

¹ St. 1876, ch. 136.

² Of which \$631,231.33 has been expended since the 1st of January, 1891.

³ Of which \$95,330.15 has been spent since January 1, 1891.

known as the Back Bay Fens, into which Stony Brook and Muddy River have their outlets. This improvement was undertaken in connection with the park system, authorized by popular vote in 1875. The first appropriation for the Fens was made in 1877, and the improvement has cost to date \$2,614,303.93,¹ part of which is properly chargeable to the park which has been built upon its borders, and part to its purpose as a storage basin for the surface waters brought down by Stony Brook and Muddy River.

Muddy River, draining portions of Brookline and West Roxbury, has been improved and its shores utilized for park purposes at an expense to date of \$1,452,050.97, all of which but \$226,617.01 has been expended during the past four years.

In addition to these improvements, undertaken on municipal account, the Commonwealth has built a metropolitan system of drainage for portions of the city and the neighboring towns. This system is divided into two parts: the Charles River Valley, or south part, — covering Brighton, part of the city proper, Newton, Watertown, Waltham, and Brookline, — which was completed in 1892, and enters the main drainage system of the city of Boston at a point on Huntington avenue; and the north part, which is to take care of the sewage of East Boston, Charlestown, and the towns and cities on the north bank of the Charles river. This work is nearly completed, and will be ready for use early in the coming year. The cost of the Metropolitan system (both parts) will be about \$5,500,000, of which Boston will pay between 20 and 25 per cent., in the form of annual assessments included in the State tax.²

With the completion of the Metropolitan Sewerage System there is no reason why the people of this city should not be congratulated upon having as complete and successful arrangements for the disposal of surface drainage and sewage

¹ Of this amount \$442,617.33 has been expended since January 1, 1891.

² The city's share of the Charles-river part of the system is 23.02 per cent. of the cost of construction and 25.05 per cent. of the cost of maintenance. Its share of the north part of the system is 20.45 per cent. of the cost of construction and 22.65 per cent. of the cost of maintenance.

as can be furnished under the adverse topographical conditions of the case.

The expense to the city,¹ since 1873, of ordinary sewers, the main drainage system, the Back Bay Fens, and the Stony Brook and Muddy River improvements, has been about \$12,500,000, while the Commonwealth has disbursed, as already stated, \$5,500,000 in addition. The cost has been enormous; but the work is done and paid for, and the decrease in the death-rate during the past twenty years is evidence of the wisdom of the expenditure.

SECTION 9. *Pest-holes and other Nuisances.* Notwithstanding the removal of the main cause of the pollution of the tidal flats surrounding the city, these still continued to be offensive in many cases, — particularly where cut off by the construction of parks, roads, or other embankments from the daily access of the tide. After struggling for years with the owners of these flats to induce them to put their property in a proper sanitary condition, the Legislature was appealed to; and in 1893 a law was passed,² after much opposition from interested parties, giving to the Board of Health the power to compel the abatement of these nuisances by proceedings in equity. Under the operation of this law almost all the flats and marsh surrounding the Back Bay Fens have been filled with gravel and other clean material, and the odors formerly proceeding from these lands have entirely ceased.

Other laws increasing the powers of the Board of Health in the abatement of nuisances have been urged and secured.³

SECTION 10. *Water Supply.* If it has been difficult to drain the city properly, it is a still more difficult task to supply it with a sufficient amount of pure water. No rivers, lakes, or other natural source of water supply, adequate to the needs of a large population, exist in this part of New

¹ For construction merely: maintenance and repairs excluded.

² Stat. 1893, chap. 342.

³ Particularly Stat. 1893, chap. 460; 1894, chap. 119.

England ; and it has been necessary, therefore, to create the supply by means of storage or impounding basins. Besides Lake Cochituate, the original source of the supply procured by the city in 1846, there have since been built five large basins along the upper reaches of the Sudbury river. A sixth is now in process of construction. This work is enormously expensive, the net cost of the Cochituate Water-Works having been \$19,615,810.16, to December 31, 1894 ; and the limit of capacity of the Sudbury river system will before many years have been reached. It will then be necessary to go much farther away in search of water ; and believing that a similar necessity would be felt by some of the surrounding communities, and that the whole question of our future water supply was therefore a proper matter for investigation by the Commonwealth, I petitioned the Legislature of 1893 to appoint a State commission to investigate the subject. The matter was referred by the Legislature to the State Board of Health, which is now engaged in an elaborate inquiry, the results of which are soon to be made public.

No expense is spared to improve the quality of the Cochituate water and its color ; and although the latter is what is technically known as "high," — that is to say, the water is not as white as that of many other cities, — yet its quality is believed to be of the best. The defect of our water system is its inadequacy in quantity ; and this defect can only be met by the expenditure of great sums of money in the future, as in the past, for additional sources of supply.

The Mystic Water Works, obtained by the city by the annexation of Charlestown, have been a much more advantageous investment from a pecuniary standpoint ; but the supply is wholly inadequate to the needs of the communities now dependent on it, and very much remains to be done to protect the upper waters of the Mystic system from pollution. In the meantime the quality of the water is poor. After two years of negotiation, arrangements have been completed, awaiting only the favorable action of the City

Council, by which the shores of Mystic Lake and the Abbajona River as far as Walnut street in Winchester, can become public property, through the joint action of the town of Winchester, the Metropolitan Park Commission, and the Boston Water Board. The acquisition of this land will remove the principal source of pollution; but if we are to continue to use the Mystic waters, it will be necessary to expend large sums in adding to the supply and in protecting the shores of the stream from pollution above the point named.

SECTION 11. *Results.* The results, from the standpoint of the public health, of this activity and expenditure — the amounts expended since January 1, 1891, for the improvements mentioned in this section having been about \$8,000,000, or nearly half the total amount of money borrowed by the city during the past four years — remain, of course, to be seen; but I have the utmost confidence that these results will be appreciated by the community, and that among them will in the near future be found a reduction in the death rate of this city from preventable diseases to a point as low as that of any large city in the world.

CHAPTER 6.

EDUCATIONAL FACILITIES.

SECTION 1. *The Public Schools.* The public schools of this city have always been a source of civic pride, and the special concern of the City Council, which has ever been solicitous to provide the money needed to establish and maintain them upon the most liberal basis. The current expenses of the school department have risen during the past sixty years from about one-ninth of the total annual expenditures of the city to about one-sixth; and the annual expense per pupil from \$8 to \$28. The salaries of the school teachers are higher than anywhere else, and it is believed that in this as in other items more liberal appropriations are made by this city for the purposes of public education than by any other in the world.

While many persons entertain grave doubts as to the tendency of the present methods of popular education, believing that in too many cases the practical result is rather to unfit than to fit the youth of the community for their subsequent work in life, it is not disputed, I think, that the schools of Boston are most ably conducted for the purposes kept in view by the committee. The main criticism that is heard concerns the theory itself, and very many citizens, among whom I count myself, would prefer to see more attention paid to industrial education in its different branches, and less to the more advanced and ornamental work to which so much of the activity of our school system is now directed.

With this idea in mind, it was a special source of gratification that after many years of agitation the City Council of 1891 was induced to appropriate a liberal sum for the establishment of a Mechanic Arts High School. This building was occupied in 1893, and has been crowded with pupils from its opening day.

A further and still more practical step in the direction of industrial training was taken in 1893 by the trustees of the Franklin Fund, who determined to devote the sum then available from that fund, viz., \$328,940, to the purpose of building and maintaining technical or trade schools. If schools of this character can be established and conducted as successfully as in some other cities of this country, it will be possible for the children of Boston mechanics to learn a trade — a difficult thing under existing industrial conditions.

The chief function of the Mayor and City Council in reference to the schools is to furnish the money needed to maintain them, and to provide the additional buildings required from year to year. Owing to the limited means at the disposal of the city during the years immediately succeeding the passage of the tax law of 1885, it was difficult to obtain the money needed for new school-houses; and from that time to 1890 no new primary schools were provided and but two grammar schools. This resulted in a serious deficiency in school accommodations, and in February, 1889, the School Committee addressed a request to the City Council for a large number of new grammar and primary school-houses. During that year land was purchased, under appropriations voted by the City Council, for nine new grammar and primary school buildings; but all efforts to obtain an appropriation for the buildings themselves failed until late in the year 1890, when the School Committee again called the attention of the City Council to the necessity of these new buildings.¹ In this communication the committee state that the nine new school-houses requested "represent the accumulated necessities of three or four years, and provide only for what may be called the arrearages;" and they estimate the cost of the additional accommodations due to growth, and shifting of population, and necessary renewals, at from \$200,000 to \$300,000 per annum; which would give one new

¹ School Document 18 of 1890.

grammar school and two new primaries each year. The money to build four of the nine school-houses needed to make up the "arrearages" was obtained that year, the loan order of October 17, 1890, containing an item of \$340,000 for two grammar schools and two primaries. In March, 1891, the School Committee asked for an appropriation of \$375,000 for four additional grammar schools and four additional primaries, as well as \$48,157.20 for new sites, and also for an appropriation for a Mechanic Arts High School. During that year (1891) over \$700,000 — a larger sum than in any previous year in the history of the city — was appropriated for school-houses, sites, and furnishings, including three grammar school buildings, seven primaries, a Mechanic Arts High School, and several sites for future buildings. Large sums have also been raised in 1892, 1893, and 1894 for school-house purposes, partly from revenue, but principally from loans. The total appropriations for these purposes made between January 1, 1891, and December 31, 1894, have been \$1,958,111.22, which has permitted the construction of fourteen primaries, three grammar schools, and one Mechanic Arts High School; while one primary, three grammar schools, and one high school are under construction.

It should seem that these new buildings, exceeding the number estimated as necessary by the School Committees of 1890 and 1891, ought to provide sufficient accommodations for all children desiring to attend the public schools; but a number of the school-houses are still overcrowded, and probably will be even when the buildings now under construction are finished. I am at a loss to assign a cause for this condition of affairs, except that, according to information gathered from members of the School Committee, the most judicious selection of sites is not made by the committee. The entire matter of locating the new buildings is in charge of the School Committee, the City Council uniformly granting the requests of the committee to the extent of the money at their disposal; and the committee seems to apportion the new

buildings among the different sections of the city rather with a view to pleasing the members from those districts and their constituents than with reference to the real necessities of the case. It has frequently happened that after the City Council has voted an appropriation for a certain school and the order has been duly approved by me, members of the committee have come to the office to say that they regretted that this particular school had been ordered, as school-houses in other parts of the city were really more needed than the one in question. The difficulty seems to be that requests to the City Council for school-houses are log-rolled through the School Committee in much the same way that paving and other appropriations for local purposes are log-rolled through the City Council itself. A mistake may also have been made by the committee in recommending a large number of small primaries rather than a smaller number of larger ones. In view of the fact that nearly two million dollars has been spent during the last four years for new sites and buildings, of the fact that the twenty-one primary and grammar school-houses provided since Jan. 1, 1891, accommodate 9,022 pupils, and of the fact that the increase of school accommodations during the past five years has been as much as during the fifteen years preceding these five, I am unable to account for the present insufficiency of school-houses except in the manner suggested.

It is now proposed to spend \$2,500,000 more upon additional school-houses; and to borrow the money outside the debt limit. Such a loan would result in an unnecessary increase in the debt and in the cost of maintaining the School Department. If the School Committee of 1890 and 1891, which comprised among its members men particularly well versed in the needs of our school system, could after long consideration reach the conclusion that an annual expenditure of \$200,000 to \$300,000, in addition to an immediate appropriation of \$550,000 to make up the "arrears," was sufficient to meet the current needs of the city in the matter

of new school-houses, there can be no real necessity, after nearly \$2,500,000 has been appropriated in five years, for an immediate expenditure of \$2,500,000 more. The reasonable annual needs of the School Department in the matter of new buildings, whether they are from \$200,000 to \$300,000, as estimated by the School Committees of 1890 and 1891, or even greater, can readily be met by appropriations within the debt limit. The first thing for the School Committee to do is to scrutinize more carefully the local demands for new school-houses, and to recommend only those which are really needed; the last thing is to petition the Legislature for authority to borrow money outside of the debt limit for any ordinary municipal purpose such as the construction and equipment of school-houses; and the Legislature of 1895 will do well to follow the example of that of 1890 and refuse the application. The present borrowing capacity is \$2,509,074.35; and from two to two and a half million dollars can be borrowed every year within the debt limit.

SECTION 2. *Public Libraries.* Of these there are eleven: the original building upon Boylston street, built in 1855-7, at a cost, including land, of about \$365,000; nine branches in different parts of the city, namely, Brighton, Charlestown, Dorchester, East Boston, Jamaica Plain, North End, Roxbury, South Boston, and the South End; and a building recently purchased upon Cambridge street for a West End branch.¹ There are also thirteen suburban delivery stations.

The building on Dartmouth street, which is soon to replace that upon Boylston street, is nearly completed; it has cost more than double the original estimate; and the accommodations afforded by it are not considered by the best judges to be commensurate with its size and cost. It is rather a palace for books than a working library for the people. Upon entering office in 1891, I found,

¹ The Old West Church, bought in 1894, at a cost of \$55,000.

however, that the building had progressed so far in all its structural features as to be incapable of radical change; and the only thing to do was to see that it was built within the additional appropriation voted that year. This, I think, will be accomplished.¹

¹See pp. 73-74.

CHAPTER 7.

BUILDING OPERATIONS.

The building operations of the city, as conducted in January, 1891, consisted of the Suffolk County Court House, in charge of a special commission; of the new Public Library on Dartmouth street, which was being constructed by the Trustees of the Public Library; and of certain buildings upon the parks, in charge of the Board of Park Commissioners; while the remaining buildings then under construction were in charge of the City Architect.

SECTION 1. *The Suffolk County Court House.* This building, begun in 1887, has been finished, occupied, and turned over to the Justices of the Supreme Judicial Court, under the provisions of a special law.¹ The cost of the building, including site and furnishings, has been \$3,828,601.80, all procured by loans.² The new building covers 87,000 square feet, or over four times the space covered by the buildings which it was intended to supersede. Notwithstanding this enormous increase in area and the great sum of money spent upon the building, it is already crowded, and at some not distant day additional accommodations will be necessary.

SECTION 2. *The New Public Library.* This building was begun in 1886 on land partly given by the State and in part purchased by the city. After some money had been spent in the execution of plans prepared by the then City Architect, the Trustees decided to discontinue the work and to secure the services of one of the leading architectural firms in the country. Begun again in May, 1888, under plans furnished by the new architects, the work had progressed

¹ Stat. 1894, chap. 453.

² Of this amount, \$521,000 has been borrowed since January 1, 1891.

so far by 1891 that all the structural parts of the building were practically complete and many of its decorative features fixed by contract.

It was apparent, however, that the building would cost very much more than the original estimates, and more than the amounts appropriated by the City Council, which up to January 1, 1891, aggregated \$1,654,000.¹ An act was accordingly procured from the Legislature of 1891,² and accepted by the City Council, authorizing the city to borrow an additional million dollars outside of the debt limit for the completion of the building.³

Before any further contracts were let under the new appropriation, it seemed prudent to call a halt and ascertain, with as much accuracy as possible, exactly what it would cost to finish the building, and also to see that it was completed in the manner provided for the construction of public works by the contract law of 1890; that is, by means of a few large contracts, let by competition. This investigation covered a period of several months, and resulted, late in 1892, in the signing of contracts for the essential completion of the building for about \$200,000 less than the appropriation. This surplus has since been utilized for paintings and other decorative features, which could never have been procured if the former methods had been permitted to continue, without still further appropriations.⁴

The building is now nearly completed; the books are being removed to it from the old library; and the Trustees expect that it will be thrown open for public use in a few weeks. There still remains to the credit of the building an unexpended appropriation of \$303,590.49, which ought to be sufficient to complete it.

The result of this undertaking as a whole will be that at a cost for land and building, including the abortive construc-

¹ Of which \$1,000,000 had been borrowed outside the debt limit.

² St. 1891, ch. 324.

³ Of which \$800,000 has been borrowed since January 1, 1891, and \$200,000 remains still to be issued. Total loans issued for the library since January 1, 1891, \$989,000

⁴ For a fuller account of this matter, see Doc. 186, of 1892.

tion of 1886, of about \$2,650,000, the city will have a public library the conveniences of which will be much greater than those of the present building, — though much less than could have been secured from a different and wiser planning, — and which is conceded to be in some respects one of the finest examples of modern public architecture in the country.

SECTION 3. *Buildings on the Parks.* The practice of the Board of Park Commissioners has generally been to employ private architects to prepare, at the usual professional rates, plans and specifications for, and superintend the construction of, the various buildings erected on the parks. Two buildings were under construction on January 1, 1891, and have since been finished; nine others have been begun and completed during the past four years; and two more are now in process of construction.

This completes the list of buildings actually needed for the popular use of the park system, and when those now under construction are completed the city will have upon its parks thirteen buildings, which will have cost about \$375,000.

SECTION 4. *The Architect Department.* This department has charge of the general building operations of the city, including school-houses and buildings for the fire, police, and other departments. It was established in 1874, prior to which time private architects had been employed by the various committees having charge of the buildings.

On the first of January, 1891, the work of the department was in the following condition: The Roxbury High School, begun in 1887, was still uncompleted and the appropriation exhausted. The sum of \$87,000 was contained in the loan order of January 26, 1891; and with this appropriation the building was finished and turned over to the School Committee on October 1, 1892. Two grammar school-houses (the Henry L. Pierce school-house, in Dorchester, and the Bowditch school-house, in Jamaica Plain) and two primary school-houses (the Prince school-house, on St. Botolph street, and the Adams school-house, in East Boston) had

been contracted out during the last few weeks of the City Government of 1890, on the credit of appropriations furnished that year. These buildings were finished and turned over to the School Committee during the year 1892.

Several buildings were also under construction for the Fire Department, all of which were finished during the year 1891; namely, Engine-house Nos. 38 and 39, on Congress street; Ladder-house No. 17, on Harrison avenue; Engine-house No. 9, in East Boston; Engine-house No. 44, at Allston; and Engine-house No. 22, at Egleston square. The money for these buildings had been appropriated prior to 1891. There was also an appropriation of \$165,000 for a building for the Fire Department headquarters, for which no site had been procured.

On March 30, 1891, the City Architect was removed, and a new appointment made. For the reasons necessitating a complete reorganization of this department, and for an account of the results accomplished, reference is made to the proceedings of the Board of Aldermen of March 30, 1891; to a special message, dated September 24, 1891, concerning certain changes in the Architect Department (Doc. 136 of that year); to a special message, dated October 31, 1892, on the past and present management of the Architect Department (Doc. 181 of that year); and to the annual reports of the department for the years 1891, 1892, and 1893.

During the four years commencing January 1, 1891, besides the buildings just enumerated, finished, with the exception of the Roxbury High School, out of appropriations voted by preceding City Councils, appropriations for new buildings, aggregating nearly four and a half million dollars, have been made, partly from taxes, but principally from loans, as follows: \$1,958,111.22 for school-houses and sites; \$1,096,326.29 for the new buildings of the City Hospital; \$100,000 for the city nurseries; \$56,702.18 for the quarantine hospital and disinfecting plant of the Board of Health; \$907,500 for land and buildings for the Department of Public Institutions; \$205,511.97 for land and buildings for the Fire Department; \$72,092.78 for land

and buildings for the Police Department; and \$83,000 for land and buildings for the Ferry Department.

With these appropriations the following work has been accomplished: eleven primary school-houses of brick, accommodating 3,976 pupils, three wooden primaries, accommodating 672 pupils, and three grammar school-houses, accommodating 1,568 pupils, have been finished; a grammar school-house, accommodating 672 pupils, is still under construction; and work is soon to be begun upon a primary school-house accommodating 504 pupils, and two grammar school-houses, accommodating 1,680 pupils. The fifteen primary schools will accommodate 5,152 pupils, while the six grammar schools will accommodate 3,920 pupils. A mechanic arts high school has also been built, and a new high school is under construction. For the City Hospital, an ambulance stable and a boiler-house have been built; a separate hospital for contagious diseases has been substantially completed, and will be ready for occupation during the month of March, 1895; a group of buildings for pathological purposes, consisting of a two-story laboratory, a chapel, and a morgue, are now being plastered; and a new surgical ward and a practically new operating building have been begun; making a total of fourteen buildings provided for the City Hospital. For the Board of Health, four buildings have been erected on Gallop's Island, and two on Swett street. For the Department of Public Institutions, a combination chapel, dining-hall, and domestic building, a combination boiler-house and laundry, and three dormitories accommodating 203 patients, have been erected at Austin Farm; a domestic building and two dormitories accommodating 178 patients have been erected at Pierce Farm; a boiler-house, barn, women's dormitory accommodating 320 inmates, and a hospital consisting of three buildings or wards accommodating 300 patients, have been erected at Long Island; 312 new cells have been added to the House of Industry, at Deer Island; a boiler-house

and domestic building and a dormitory accommodating 52 boys have been erected for the Parental School, in West Roxbury; making a total of about 15 new buildings for this department. For the Fire Department there has been constructed upon a lot purchased on Bristol street a building for a department headquarters, fire-alarm service, water-tower, practice tower, and a boiler-house; an engine and ladder-house at Andrew square, South Boston; an engine-house at Ashmont; and a ladder-house on Friend street; besides which Hose-house No. 7 has been completely remodelled; and Engine-house No. 27 is being rebuilt. For the Police Department a station and court-house has been built at Brighton, and an annex for court and patrol-wagon has been made to Station 13, Ward 23. For the Park Department a pier head-house at Marine Park and an athletic house on the Charlesbank are being built.

The total amount expended upon the buildings in charge of the City Architect between May 1, 1891, and December 31, 1894, has been \$2,999,898.47. The expenses of the department, including all sums charged to the special appropriations for the several buildings for inspectors, watchmen, experts, etc., have been \$93,420.25, which is $3\frac{1}{5}$ per cent. upon the expenditures for construction. This percentage may be contrasted with the corresponding figures for previous periods in the history of the department; the cost of the department from 1874 to 1889 having been $6\frac{2}{5}$ per cent., and for 1889 and 1890, $10\frac{3}{5}$ per cent., of the expenditures for construction.¹

In respect to methods of construction, more substantial and less easily combustible buildings have been necessitated by the new building law; the cubic contents of each school-room have been increased; special attention has been paid to heating and ventilation; and many novel methods have been adopted, in some cases invented, particularly in the hospitals at Long Island and Austin and Pierce Farms.

As to the relative cost of the new buildings, a comparison is difficult, except in the matter of school-houses, which in a

¹ See Doc. 136 of 1891.

general way furnish a substantially accurate basis. The twelve brick primaries provided during the last four years accommodate 4,480 pupils, and have cost \$134 per pupil and \$3.21 per square foot of finished floor area; while the seven primaries built during the period immediately preceding the present administration — that is, between 1881 and 1891 — accommodate 3,472 pupils, and cost \$119 per pupil and \$3.20 per square foot of finished floor area. As to the grammar school-houses, the six constructed under the plans of the present City Architect will accommodate 3,920 pupils, and will have cost about \$137 per pupil and \$2.83 per foot of finished floor area; while the last six grammar school-houses built under the former system, — namely, the Martin, Minot, O'Brien, Thomas N. Hart, Henry L. Pierce, and Bowditch grammar school-houses, — erected between 1885 and 1891, accommodate 4,032 pupils, and cost \$158 per pupil and \$3.08 per foot of finished floor area. The Brighton High School-house will cost about \$130,000, or \$2.79 per finished foot of floor area, while the next preceding high school built in this city — namely, the Roxbury High — cost \$4.61 per finished foot of floor area. The twelve brick primaries provided during the last four years give an average of 618 cubic feet per pupil at a cost of 21 cents per cubic foot; while the seven brick primaries built in the period preceding gave 575 cubic feet per pupil at a cost of 21 cents per cubic foot. The three wooden primaries of the latter period, when compared with the seven wooden primaries of the earlier period, result as follows: for each pupil 672 cubic feet to 445 cubic feet, at a cost of 15 cents to 13 cents per cubic foot. The six grammar school-houses of the present Architect give to each pupil 702 cubic feet, at a cost of 17 cents per cubic foot; while the last six built, prior to 1891, gave to each pupil 710 cubic feet, at a cost of 19 cents per cubic foot. The cost of the Brighton High School will not exceed 18 cents per cubic foot, while the cost per cubic foot of the Roxbury High was 26 cents.

In interpreting these comparisons account must be taken

of the vastly more substantial construction of the new buildings and of the more elaborate arrangements for heating and ventilation.

A completely new system of contract forms has been adopted in this department (as also in the Street Department and the City Engineer's office), and has proved a great protection to the city in its works of construction.

The results obtained by this department have been secured at probably less cost than in private work. This is due not simply to the saving of about two per cent. in the professional expenses involved, but to the fact that by a fair and inflexible treatment of the business of the office the most responsible bidders have been induced to compete for the contracts advertised by the department. The city enjoys in some respects an advantage over private owners in its building operations, as no private citizen, however wealthy, keeps a daily bank balance amounting to millions of dollars; and a city contractor knows that as soon as his payments are certified, the money can be had without any of the delays which, under the most favorable circumstances, are incident to private work. Moreover, in work for the city, the contractor has practically only one man to deal with, — the City Architect, — while in private work there is the owner as well. Finally, the city is protected as, under the decisions of the courts, no private owner can be, against extortionate and fraudulent claims for extras. The contract law of 1890¹ practically prohibits all claims against the city for extras or work of any kind, unless evidenced by a written instrument signed by the City Architect, or the head of some other department, and approved by the Mayor. I consider this one of the most valuable laws ever placed upon the statute books of the Commonwealth; and to it, as well as to the other considerations here suggested, — particularly to the scrupulous fairness with which the business of the office has been administered, — I attribute the fact that

¹St. 1890, ch. 418, §§ 4 to 6.

during the past four years our municipal building operations have been carried on in this department at actually less cost than would have been the case in private work.

It may fairly be claimed, I think, that this department, as at present managed, has demonstrated the possibility of the erection by municipal corporations of substantial, beautiful, and inexpensive public buildings. So long as such a management can be perpetuated it would be a mistake to abolish the department, as suggested in my first inaugural address; but the salary should be raised to a sum proportionate to the responsibility and labor of the office.

SECTION 5. *A New City Hall.* Such a building is needed, and ought to be built, either on the Public Garden, or next to the State House, before many years go by. Plans were prepared by the City Architect in 1892, and have been very generally commended; but in view of the more pressing necessity for other expenditures, particularly for rapid transit purposes, it seemed wise to postpone the erection of a new City Hall for some years at least. In the meantime the old Court House has been fitted up for the use of several departments.

CHAPTER 8.

THE PUBLIC STREETS.

The plotting of suburban streets in advance of laying out or construction is in charge of the Board of Survey, created in 1891. The laying out, widening, and extending of streets, and all matters relating to changes of grade, are in charge of the Board of Street Commissioners, created by St. 1870, ch. 337, subject in certain cases to approval by the City Council, and in all cases since the passage of St. 1892, ch. 418, to the approval of the Mayor. Everything that relates to the maintenance, watering, and cleaning of streets, and the construction of most streets, is in charge of the Superintendent of Streets. The City Engineer has charge of constructing some streets, and both he and the City Surveyor devote a large part of their time to the work of the Board of Street Commissioners and of the Street Department.

Other matters relating to the streets which have recently received the attention of the City Government are the bridges across the tide-waters surrounding the city; the grade crossings of the various street railroad companies; the presence of overhead wires in and across the streets; the compensation to be paid for the use of the streets by the private citizens and corporations having privileges therein; and the relief of the business streets of the city from overcrowding.

SECTION 1. *Street Lines and Grades.* The topographical conditions of the original town were ill-adapted to good street lines, and the resulting narrow and crooked highways have been a subject of criticism and regret for over 200 years.¹ Nothing could be done with the lanes

¹ As early as 1665 a royal commission described the streets as "crooked with little decency or uniformity;" and the necessity for constant widenings was recognized in the building act of 1692. A readjustment of street lines has been attempted after nearly every large fire, beginning with that of 1676.

of the old town except to widen and extend them at enormous expense;¹ but when the original limits of the town were enlarged by annexation and by the filling of the tidal flats on either side of Boston Neck, efforts were made to see that in the new territory thus acquired the mistakes of the old town were not repeated. South Boston, annexed in 1803, was laid out upon a systematic, rectangular plan, under the provisions of a special act of the Legislature.² The "Neck Lands," being that portion of the public lands on either side of Boston Neck, redeemed by filling for building purposes, were laid out by the City Government with broad, rectangular streets; and the same plan was adopted for the development of the land acquired by the filling of portions of the South Bay. When the Back Bay was filled, this portion of the city was also laid out upon a systematic, rectangular plan, through the coöperation of the Commonwealth, the city, and the private owners of the flats.

After the annexation of Roxbury in 1868, and Dorchester in 1870, it became apparent that the streets previously laid out in the suburban territory thus acquired were nearly as tortuous and narrow as those of the city proper, and that unless something was done the people would suffer a repetition in these portions of the city of the evils so plainly felt in the older part. It was therefore determined to secure the laying out of new streets in Roxbury and Dorchester upon public lines, and various plans were devised for the accomplishment of this purpose, the practical result being the creation of the Board of Street Commissioners in 1870. This Board had, however, no power to lay down street lines in advance of the actual taking for highway purposes, and before many years it became evident that its work was largely confined to an acceptance or rejection, as public streets, of private ways laid out haphazard for the benefit, and according to the personal ideas, of the individual

¹ Since 1822 nearly forty millions of dollars have been spent for street widenings, extensions, and changes of grade — mostly in the city proper. See Auditor's Annual Report for 1893-4, pp. 202-208.

² St. 1803, ch. 111.

land-owners, without reference to the general needs of the travelling public or to the growth of the community. It thus appeared — especially after the amount of suburban territory within the city limits had been more than doubled by the annexation, in 1874, of West Roxbury and Brighton — that there was need of more systematic methods of street plotting; and a demand arose for the adoption of methods similar to those in force in New York, Brooklyn, Chicago, and the newer Western cities, for the development of streets upon a comprehensive, public plan. The result of this agitation, lasting twenty years, was the passage, in 1891, of the act creating the Board of Survey.¹

The theory of this law,² in so far as it relates to street plotting, is that the city, through the Board of Survey, shall prescribe the lines to which all future streets must conform. The owner is entitled to compensation, as under the former system, when the land shown upon the Board of Survey plans as appropriated to street purposes is actually laid out as a highway by the Board of Street Commissioners, providing he can prove damage and insists upon compensation. The duration of the Board was limited to three years from the first of May, 1891, in the belief that its work could be accomplished within that period; but so many difficulties were encountered and so much delay was caused by accidental circumstances, — such as the necessity of waiting until certain grade-crossing problems had been solved, — that when the first of May, 1894, was reached only about one-fourth of the work contemplated by the original act had been completed. The existence of the Board was therefore extended³ to May 1, 1897. I can see no reason why the entire work, as originally contemplated, should not be finished by that date.

¹ See inaugural addresses of Mayor Shurtleff, Mayor Cobb, Mayor Martin, Mayor O'Brien, and Mayor Hart, as well as the inaugural address of January 5, 1891; also report of the commission appointed in 1884 to prepare a revision of the city charter, Doc. 120, of 1884.

² St. 1891, ch. 323.

³ By St. 1894, ch. 335.

It was inevitable that such a radical change in the method of laying out public streets in this city, as was contemplated by the law of 1891 and its amendments, should create hostility on the part of land-owners, — particularly those of the speculative kind, who not only desire to develop their own property without regard to the rest of the community, but insist on having it done at public expense; but on the whole there has been less opposition to the Board of Survey than was expected. Its assistance has been eagerly sought by most of the more responsible land-owners and builders; the plans hitherto filed have met with general approval; and I believe that when the work is done, the public will welcome it as a great reform, and oppose all efforts to undo it. One hundred and eighty-four plans have been filed to date, covering 3,391 acres, and showing 91.27 miles of prospective streets laid out, widened, or extended.

While the work of the Board of Survey will take care of the new streets in the still undeveloped suburban sections of the city, the streets of the business portion of the city cannot be improved by any such means, but only through the expenditure of great sums of money for widenings and extensions, at public expense, or by the adoption of hitherto untried methods. One such method is the duplication of the capacity of the streets by constructing subways beneath them, — a plan about to be tried by the Boston Transit Commission under the authority of ch. 548 of the Acts of 1894. Another method would be to give the Board of Street Commissioners power to widen streets by arcading.¹ Another is to establish building lines.²

With some of the principal streets of the business section of the city duplicated by the construction of subways, with others widened by arcading, and still others widened or

¹ I petitioned for such a law in 1894, but there was opposition from real-estate owners; and this opposition, together with the difficulty of drafting a satisfactory bill, was sufficient to cause the rejection of the petition.

² See St. 1893, ch. 462, accepted by the City Council October 28, 1893, and St. 1894, ch. 439. These laws were passed at the instance of the Executive Department; and under the authority of them building lines have been established on Beacon street and Boylston-street extension.

extended by the establishment of building lines, or upon the old plan of paying for all the land taken; with the streets of the suburban districts plotted upon proper lines by the Board of Survey; there yet remained another class of streets, which has needed and received the attention of the City Government. I refer to radial thoroughfares leading from the city proper to the different suburban sections. Of the possible improvements of this character the more important have been provided for, in part or in whole, during the past four years: namely, the construction of Commonwealth avenue to Brighton; the extension of Boylston street beyond the Back Bay park; the widening of Huntington avenue and Tremont street to Brookline; the extension of Columbus avenue; the construction in connection therewith of a proper approach to Franklin park; the widening and extension of Blue Hill avenue; and better means of communication between the city proper and the towns and cities to the north *via* a new bridge to Charlestown.

The extension of Commonwealth avenue along the line of what was formerly Brighton avenue, and its construction to the width of 160 feet, was undertaken in 1887 upon an appropriation wholly insufficient for the purpose. During the past four years \$843,671.05 have been appropriated from loans and revenue for this improvement, and it is now substantially completed, with the exception of a new bridge over the tracks of the Boston & Albany Railroad, to cover the cost of which an additional appropriation will be necessary. The avenue has lately been extended to connect with the new boulevard in Newton.

Boylston street has been extended to Brookline avenue, and its construction ordered under the provisions of a special law.

Huntington avenue and Tremont street have been widened so as to make an avenue 100 feet in width from Copley square to Francis street, and 80 feet in width from Francis street to the town of Brookline. Columbus avenue has been laid out from Northampton street to Franklin park.

The principle of the acts¹ under which Boylston street,

¹ St. 1894, ch. 416 and ch. 439.

Columbus avenue, and Huntington avenue have been laid out, is that the city shall pay the entire first cost of land and construction, and then assess the entire benefit or betterment upon all estates deriving benefit therefrom. These laws are similar to that under which Oliver street was widened in 1867, and differ from the general betterment law of the Commonwealth in providing that the whole instead of one-half the benefit may be assessed.

As to Blue Hill avenue, an order has been passed and approved widening this avenue to 120 feet from Warren street to the Neponset River at an estimated cost of \$76,875. Construction will not be necessary for some years; but it was thought desirable to secure the widening while the land could be obtained at reasonable prices — particularly as the Metropolitan Park Commission has agreed to take as a parkway, and widen to 120 feet, Mattapan street in Milton, from the Neponset River to the Blue Hills reservation.

The first cost of these widenings and extensions is to be charged to the loans for "laying out and construction of highways;" and the loan of \$1,000,000 authorized for this purpose, together with the \$300,000 loan for Columbus avenue, is sufficient to provide the money required by the orders of the Board of Street Commissioners.

There is need of an avenue on the east side of the city from the business part, or at least from the South End, through Roxbury and Dorchester. The most available plan would probably be to widen Hampden street and extend it so as to connect with Blue Hill avenue. Columbia and Boston streets should also be widened, so as to make a proper connection between the Dorchester parkway and Franklin park. Brighton avenue and North Beacon street should also be widened.

In laying out these radial avenues, the Board of Street Commissioners can now set apart a special reservation for the street railway tracks;¹ and such reservations have been provided on Commonwealth avenue, Huntington avenue, and Blue Hill avenue.

¹ St. 1894, ch. 324, accepted by the City Council November 3, 1894.

SECTION 2. *Construction, Maintenance, etc.* The construction, paving, and repair of the public streets, as well as the cleaning and watering of them, is in charge of the Superintendent of Streets. The changes effected in the methods of cleaning and watering the streets have already been referred to.

The surface of the streets was in such poor condition four years ago as to be the cause of universal complaint, and it was necessary to expend large sums of money upon new and improved pavements. The liberal appropriations voted for this purpose by the City Councils of 1891 to 1894 have been expended with, it seems to me, excellent results in respect to both the character and the cost of the work. On January 1, 1891, there was in the entire city but one short piece of block stone pavement laid upon a concrete base; there were no brick pavements, only 1,453 sq. yds. of block asphalt, and 54,070 sq. yds. of sheet asphalt. During the past four years the area of sheet asphalt pavements has been increased to 107,074 sq. yds., and there are now 14,206 sq. yds. of block asphalt, 5,082 sq. yds. of brick pavements, and 54,404 sq. yds. of blockstone on concrete base.

As the business section of the city has been almost entirely repaved, and as the pavements of the residential section of the city have been very much improved, I do not think that large special appropriations for the Paving Division will be needed in the immediate future. The work of constructing the radial thoroughfares extending into the suburbs must be continued, probably by loan; but I see no necessity for borrowing any considerable sums during the next few years for pavements.

As to the relative cost of the work of the Paving Division during the past four years, comparisons with previous administrations are difficult, if not impossible, for the reason that prior to 1891 the books of the department were kept in such a manner as to make it extremely difficult to ascertain the exact cost of anything.¹ The entire book-keeping of the

¹ See Annual Reports of the Citizens' Association for 1890, pp. 36-41.

department, as well as the whole system of letting contracts and purchasing materials, was reorganized by the late Superintendent of Streets; and throughout his administration the books have been so kept as to make it possible, not only to ascertain the exact cost of every undertaking, but to facilitate comparisons with the work of succeeding administrations.

SECTION 3. *Financial.* The money for the laying out, widening, and extension of streets, the construction of them, and their maintenance, repair, etc., comes either from the annual appropriations out of the tax levy and other sources of annual income, or from special loans, or from the loans for the "laying out and construction of highways" authorized by chapter 323 of the Acts of 1891. The cost of maintenance and repairs, and everything that can fairly be termed current expenditures, must, under the provisions of chapter 206 of the Acts of 1891, be paid out of taxes and income; while everything in the nature of permanent improvements may, and under the present tax limit generally speaking must, be met by loan.

In this city the cost of street construction, like the cost of street widenings, sewers,¹ and other similar improvements and conveniences, falls upon the general taxpayer to an extent that would not be tolerated in any other progressive community. Elsewhere, at least in all the larger cities of this country, substantially the entire cost of streets built for the development of real estate, including sewers, sidewalks, and other conveniences, is assessed upon the abutters. In some cities a small percentage is paid by the municipal corporation, but in most of the large cities of this country the entire cost falls upon the land-owners. This fact is of vital importance to a correct understanding of the problem of taxation in this city. Our taxes are admittedly high; but this is largely due to the fact that the city — that is, the general taxpayer — is compelled in Boston to pay for local improvements which in other communities are charged upon the land.

See chapter 5, § 8.

I shall not encumber the pages of this message with a repetition of the arguments so frequently addressed by me to the City Council, and to committees of the Legislature, in favor of a complete change in our methods of providing for street, sewer, and sidewalk construction, and of the substitution of the assessment plan, under which all the other great cities of this country have been so rapidly built up, for the taxation plan in operation here ; except to state that every day's experience in the past four years has confirmed my belief in the wisdom and necessity of such a change.

It is not, as many persons are inclined to assume, a mere question of form ; it is not true that it makes no difference to the taxpayer whether the burden of street construction falls upon him in his annual tax bill for general municipal purposes or in the form of special assessments ; and it is fallacious to argue that the burden of taxation in Philadelphia, Brooklyn, or Chicago would be equal to that of Boston if the special assessments levied in the former cities were included in estimating the real amount of taxation. It is not a question of form, but of substance ; the real issue being, not the amount of the special assessments, nor the amount of taxation including them, but rather how the burden of these assessments shall be distributed. The Boston system distributes the cost among the taxpayers at large, while under the other system the greater part, sometimes the whole, falls upon the estates particularly benefited, and those who own no such estates pay nothing. I believe the latter to be the correct theory ; and I consider that the Boston plan is responsible, more than all other causes combined, for the relatively greater burden of taxation and debt in this city than in those communities which have been wise enough to adopt the assessment system.

The Legislature of 1891 was induced to take a great step in this much-needed reform ; the act creating the Board of Survey also providing for the construction of streets in the suburban sections by assessment. This law had no sooner been passed, however, than it was violently attacked by the speculators in suburban real estate ; and they had sufficient

influence to induce the Legislature of 1892 to modify, and, in fact, to almost nullify, the financial provisions of the Act of 1891. In 1893 and 1894 still further retrograde action was taken; and the result up to date has been that the original purpose of the law has been thwarted, and that it no longer is, as was intended, an act for street construction on the credit of the city, with sinking-funds or assessments equal to the loan, but has been converted into an act for street construction at public expense, and has caused a considerable increase in the net debt of the city.¹

The amendments to the law of 1891 were passed against as effective a protest as the City Solicitor and the Executive Department could prepare; and the success of the speculative element in the community in inducing the Legislature to overthrow the work of 1891 is indicative of the fact, which I have so frequently had occasion to deplore, that here to a greater extent than anywhere else in the world the real-estate speculator who desires to develop his land and increase its value at public expense seems to be in control of legislation.

The sewer law of 1892² has experienced a similar fate, having been so amended by succeeding Legislatures as to have lost its chief financial merits.³

The sidewalk law of 1892,⁴ according to which the entire cost of sidewalk construction was assessed upon abutting estates, in conformity with the practice obtaining in other cities, met with a still worse fate. It was entirely repealed in 1893.⁵

The result of these attempted reforms in the financial methods of street construction has thus been unsatisfactory; ⁶

¹ \$894,163.77 up to December 31, 1894. See Appendix, Table 24.

² St. 1892, ch. 402.

³ St. 1894, ch. 227 and 256.

⁴ St. 1892, ch. 401.

⁵ St. 1893, ch. 437.

⁶ This experience is nothing new. As early as 1845 Mayor Quincy went to the Legislature in behalf of the city for a bill permitting street widenings by assessment, and the bill was lost by the votes of Boston members. Another unsuccessful application was made in 1856 by Mayor Rice. See also Inaugural Addresses of Mayor Smith in 1855 and Mayor Lincoln in 1866. The members of the Legislature most determined in their opposition to the construction law of 1891 have been the representatives from the suburban wards of Boston.

but some good has been accomplished. The proportion of cost assessed upon particular estates, and the corresponding benefit to the city treasury, is still greater than prior to 1891; and public attention has been directed to the subject in a manner which should prevent an entire relapse to former conditions.

It is discouraging to be obliged to chronicle the fact that the chief plunderers of the city treasury of Boston are not politicians or contractors, — for public opinion is always behind an Executive who stands up against the demands of such, — but the suburban speculators in real estate, who not only seek to secure a private and unjust advantage out of the public treasury, but, under the pretence of advocating public improvements, actually succeed. I believe that the greatest obstacle to the progress of this city and to its proper development as the metropolis of New England is the selfish owner of vacant lands, who makes no improvement at his own expense, but spends his time in agitating for the expenditure of the public funds upon local and private improvements which in other communities would be charged to him.

SECTION 4. *Bridges.* With the coöperation of the Commonwealth, a new bridge has been constructed over the Reserved Channel between Ward 13 and South Boston, connecting Congress street and the city proper with L street in South Boston; the old Dover-street bridge across Fort Point Channel has been entirely rebuilt; the bridge between North Brighton and Watertown has been rebuilt; the Chelsea-street bridge between East Boston and Chelsea, and the bridges between Charlestown and Chelsea, are being rebuilt; and loans have been authorized with which to construct a much-needed new bridge between the city proper and Charlestown.

SECTION 5. *Grade Crossings.* Those of the Boston & Albany Railroad at Cambridge and Everett streets, in Brighton, have been abolished. The crossing of the Boston & Maine Railroad at Causeway street has been discontinued, partly through the construction of the Union Station, and partly through the taking by the Transit

Commission of the terminal property of the Boston & Maine Railroad south of Causeway street; and the Boston & Maine crossings of Chelsea bridge are being abolished. On the system of the New York, New Haven, & Hartford Railroad, the grade crossings at West Fourth street and Codman street have been abolished, and arrangements have been made under special legislation for the abolition of all the grade crossings along the Providence Division, between Park square and Forest Hills. Negotiations are now in progress with this company for the abolition of the grade crossing at Dorchester avenue. The grade crossings in East Boston can best be dealt with by a complete change in the location of the railroad tracks in the manner suggested by the Rapid Transit Commission of 1891; but this cannot be done under the general grade-crossing act, and no agreement has yet been reached with the railroad companies. I have petitioned the Legislature of 1895 for relief in this matter. The question of abolishing the grade crossings of the Boston & Maine system in Charlestown and beyond abounds with difficulties; and these difficulties have been increased by the refusal of the railroad corporation to follow the advice of the Rapid Transit Commission, the Railroad Commissioners, and the City Government in respect to the manner of constructing its Union Station. The inconveniences of the plan adopted are already apparent, and the cost of abolishing the grade crossings in Charlestown, East Cambridge, and Somerville will be very much greater than if the Legislature of 1893 had not, at the instance of the corporation, rejected the bill prepared by the city and reported by the Legislative Committee on Transit.

SECTION 6. *Overhead Wires.* These are now being removed from the streets by the new Commissioner of Wires, under authority obtained from the Legislature of 1894, after a contest with the corporations interested lasting several years.

SECTION 7. *Compensation for the Use of Streets.* Of the various corporations and individuals using the public streets for either purely private or what may be termed semi-public purposes, only the gas and electric light companies can be said to pay any compensation for the valuation privileges they enjoy. The gas and electric light companies make special prices, less than those paid by the general consumer, to the city in respect to the public lights supplied by them. Thus the price paid by the city to the electric light companies, now thirty-five cents a night, is claimed to be about the actual cost to the companies, and is admittedly less than the companies charge private citizens for the same service. The gas companies make a price for the city which is less than the price for the general consumer as fixed by the Gas Commission; the annual difference or benefit to the city of the special prices for gas used upon the streets and in the public buildings amounting, at the present time, to \$30,645 per annum.

With the exception of the gas and electric light companies, none of the persons or corporations using the streets pay anything for the privilege—a condition of things generally regarded as unfair to the city treasury, which has practically to pay the entire cost of maintaining the streets in good repair, and most of the original cost for land and construction. Efforts have been made by the City Governments of the past six years to procure from the Legislature authority to impose a special tax, or otherwise to exact compensation, for the use of the public ways by the various corporations and private citizens having privileges therein. As the streets of the city and their control belong, under the decisions of our courts, to the people of the Commonwealth, and not to the municipal corporation, the city authorities have no power to exact compensation for the use of the streets unless specially authorized to do so by the Legislature. The efforts to secure this authority have hitherto been unsuccessful, partly owing to a perhaps well-founded fear that the authority, if granted, would not be

wisely exercised; but principally to the opposition of the special interests involved. With changes in the city charter and the constitution of the legislative branch of the City Government, such as have been suggested, the first difficulty would be removed or reduced to a minimum, and I should then hope that the Legislature would see fit to grant to the City Government the right enjoyed by municipal corporations in other parts of the world to secure full compensation for all privileges granted in the streets.¹

SECTION 8. *Street Travel.* The streets of the business section of the city, never adequate for the demands of travel, have been completely diverted from their original and proper function as public highways and converted into locations for the benefit of the street-railway corporations and their patrons. After three years of agitation and discussion, in which I have felt it my duty to take an active part, the Legislature of 1894 adopted a plan,² subsequently ratified by popular vote,³ for the relief of the streets from the congestion due to surface cars by placing the latter in subways constructed for the purpose. The work has been intrusted to a special commission, the members of which assure me that no financial or engineering difficulties have been discovered, and that construction will be commenced as soon as the season for work is at hand. The property of the Boston & Maine Railroad, between Haymarket square and Causeway street, has been taken for the northern terminal of the subway. This great undertaking will, I am convinced, if carried out in the spirit of the act granting the authority, relieve our streets of the congestion due to the presence of surface cars

¹ See Document 144 of 1890; inaugural addresses from 1891 to 1894; and the records of the State Legislature for the years 1891, 1892, 1893, and 1894, in regard to various petitions and bills presented by the Mayor, the City Solicitor, the Citizens' Association, and individual citizens. The foreign system of granting exclusive franchises for a term of years in return for a division with the city of all dividends declared above a certain percentage seems, on the whole, to be the most advantageous, and much preferable to the Massachusetts plan, under which the corporations get no exclusive or permanent rights and the public gets no rent. See the bill relating to street-railway franchises, presented to the Legislature of 1891 on behalf of the city, and the contract with the Brookline Gas Light Co. of February 27, 1893.

² St. 1894, chap. 548. ³ By 15,542 to 14,162 at a special election held July 24.

and tracks, and restore them to public use as highways for all classes of the people. The expenditure involved will be large, but should prove no permanent or real addition to our funded debt, as the rentals for the use of the subways ought to be sufficient to cover the interest and sinking-fund requirements on the forty-year loans issued for the purpose, and after the maturity of these loans to yield a clear profit to the city.¹

The streets I found also to be encumbered by innumerable pedlers and other persons transacting private business upon the narrow sidewalks of the congested district, thus increasing the difficulties of travel. These nuisances have been to a great extent abolished; all pedlers having been excluded from the retail business section, and desks and other sidewalk obstructions prohibited.

Much remains that could be done to facilitate travel by regulating the use of the streets by teams. The interests concerned have, however, taken the not wholly unreasonable position that they should not be made the special object of regulation as long as the chief cause of congestion—the street-railway companies—are allowed locations everywhere; and this argument, together with others of less force, has hitherto sufficed to deter the Board of Aldermen from taking action. It seems now to be the opinion that the question of traffic regulations should be postponed until the street-car service has been permanently readjusted by the Transit Commission.

¹ See Chapter 18, § 7.

CHAPTER 9.

STREET LIGHTING.

The first attempt to light the streets by gas was made in 1834, prior to which time oil-lamps had been used, first put up in 1773 by subscription. Oil and gas were used for street lighting until 1882, when 113 electric lights were erected. Since then there has been a gradual diminution in the number of gas-lamps, and a gradual increase in the number of electric lights, and in 1891 naphtha was substituted for oil in the remoter suburban streets.

On the 1st of January, 1891, there were in use upon the public streets 9,282 gas-lamps, consisting of 9,247 four-foot burners and 35 large burners. There were also 2,957 oil-lamps, 99 naphtha-lamps, and 1,125 electric lights, each of 2,000 candle-power (commercial); making a total of 13,463 lights.

The prices charged by the gas companies ranged from \$1 to \$2 per thousand cubic feet; and the electric-light companies charged forty cents per lamp per night.

The contracts with the different gas companies expiring in 1893, an effort, with the details of which the citizens are familiar, was made to secure a reduction in the price. The final result of this movement was a series of contracts with the different companies at prices ranging from 70 cents to \$1.50. These contracts expire in 1896 and 1897, at the option of the city, which has the right to insist indefinitely upon the maintenance of the present prices.

The number of gas-lamps and the respective prices for the same in use January 1, 1891, and January 1, 1895, are shown in the following table:

Price.	Number of Lamps at each price, Jan. 1, 1891.	Number of Lamps at each price, Jan. 1, 1895.
\$2 00	3	
1 85	1,174	
1 60	665	
1 55	660	
1 50	3,930	998
1 00	2,815	163
1 35	.....	439
1 25	.....	1,032
1 17	.....	1,886
90	.....	671
70	.....	2,251
	9,247	7,440

These reductions effected a saving to the city treasury of about \$55,000 per annum in the prices paid to the various gas companies on account of the street lamps. An additional saving of about \$10,000 was also brought about in the prices paid for lighting the public buildings, which were included in the special contracts with the gas companies.

All doubt concerning the validity of these contracts would seem to have been removed by a recent order of the Board of Aldermen, approved December 5, 1894.

Through competition between the different companies, appeals to the Gas Commission and the State Legislature, and the contracts referred to, a general reduction was also effected in the prices paid by private consumers for gas throughout the city amounting to about half a million dollars per annum.

The following table shows the reductions in detail :

PRICES PAID BY PRIVATE CONSUMERS FOR GAS IN THE
CITY OF BOSTON.

Lamp Department, District.	Jan. 1, 1891.	Discount.	Jan. 1, 1895.	Discount.
City Proper, South part....	\$1.30	\$1.20 to large consumers only.....	\$1.00	
City Proper, North part....	1.30	\$1.20 to large consumers only.....	1.00	
Roxbury (Rox. Gas L. Co.) ..	1.70	20 cts. per M. off if paid in 12 days ...	1.00	
Roxbury (Brook- line G. L. Co.),	... ..	.....	1.00	
Dorchester	1.70	20 cts. per M. off if paid in 12 days ...	1.40	10 cts. per M. off if paid in 15 days.
South Boston...	1.70	Same as Dorchester,	1.40	Same as Dorchester.
Jamaica Plain ..	2.50	50 cts. off if paid in 15 days	1.80	15 cts. off if paid in 15 days.
Brighton	1.90	Net	1.50	10 cts. per M. off if paid in 12 days.
Charlestown....	2.00	25 cts. per M. off if paid in 15 days ..	1.60	20 cts. per M. off if paid in 25 days.
East Boston	1.75	Net	1.60	10 cts. per M. off if paid in 15 days.

The controversies with the different gas companies having been adjusted during the year 1893, it remained to secure an improvement in the electric-light service of the city. During the year 1894 contracts have been made with the various electric-light companies, involving a reduction in price from 40 to 35 cents per light per night where overhead wires are strung and owned by the companies, and to 34 cents where the city owns the distributing plant. These reductions in the price of electric lights were predicated

upon a certain increase in the number, as set forth in the several contracts, and the Superintendent of Lamps has accordingly erected during the past year 790 new electric lights, 520 of which are on the public streets, principally on the main thoroughfares leading from the city proper to the suburbs, and 270 upon the Common, Public Garden, and the parks.

The following table shows the annual increase in electric lights :

1882	113	1890	345
1883	222	1891	309
1884	55	1892	106
1885	48	1893	31
1886	56	1894	790
1887	80		
1888	119	Total	2,368
1889	94		

And the number on January 1, 1891, and January 1, 1895, are shown, by wards, in the following :

WARD.	January 1, 1891.	January 1, 1895.	WARD.	January 1, 1891.	January 1, 1895.
1	34	73	15	30	60
2	36	71	16	33	46
3	22	42	17	32	50
4	32	69	18	48	80
5	44	63	19	29	54
6	48	85	20	38	95
7	54	87	21	80	122
8	19	51	22	58	200
9	20	34	23	39	183
10	102	163	24	75	198
11	70	134	25	41	98
12	50	105			
13	53	88			
14	40	117			
				1,132	2,368

The electric lighting of the Common, Public Garden, and parks has been undertaken on the underground system; the city paying for and owning the distributing system, except the lamps, which are owned and cared for by the company, as in the case of overhead wiring.

The streets and parks of the city are now lighted by 2,368 electric arc lights, of 2,000 candle-power (commercial) each, by 7,440 gas-lamps, each supplied with four-foot burners, and by 2,761 naphtha-lamps; and the estimated cost of maintaining the department upon this basis, which involves twice the number of electric lights in use four years ago and a complete substitution of naphtha for oil, is only \$12,165.57¹ more than was expended during the year 1890.²

¹Expended in 1890, \$557,492.63; estimate for 1895-6, \$569,658.20.

²For the details and results of the contest for cheaper gas in 1893 see various messages sent to the City Council of that year, particularly those of January 1 (inaugural), January 30, February 13, February 27, March 1, May 18, and November 9, 1893; also printed testimony taken before the Legislative Committee on Investigation, the argument made on behalf of the city, reprinted separately, and chapter 474 of the Acts of 1893. The Commission appointed under the provisions of this act found the value of the property of the Bay State Gas Co. to be \$1,500,000 in excess of the capital stock of \$500,000. The company accepted the decision, issued \$1,500,000 of new stock, and surrendered as cancelled the note of \$4,500,000 by the date fixed in the act. In this way the nominal capitalization of the company was reduced from \$5,000,000 to \$2,000,000.

CHAPTER 10.

PROTECTION AGAINST FIRE.

SECTION 1. *Building Laws.* A new Building Law had long been considered a necessity, and radical changes were recommended by a special commission appointed in 1890, in a report submitted in 1891, too late for action that year. In 1892 the matter was taken up, and a law involving still more radical changes, drafted in coöperation with the Boston Board of Underwriters, was passed by the Legislature of that year. This law (Stat. 1892, chap. 419), which it has since been found necessary to amend only in minor details, marks an immense improvement upon all former Building Laws in operation in this city, both in respect to the character of the restrictions imposed to secure better construction, and to the manner of enforcing the law. The requirements of the Building Law of 1885, as well as those of its predecessors, were far behind the age, and resulted in the erection of a class of buildings which has literally created a conflagration district in this city. The law was also defective in omitting to provide any efficient means of enforcement. The new law has given, I think, general satisfaction, will need amendments only in minor particulars, and should in the course of time result in the rebuilding of this city according to sound methods of construction. The "Board of Appeal" established under the authority of the law of 1892 has been of great service in securing an intelligent and firm construction of the law.

SECTION 2. *Fire Department.* Associations have been formed for the purpose of securing from the State Legislature, by means of political influence and intimidation, those unreasonable privileges which the Commissioners have been unwilling to concede. The Fire Department has been the

victim of political agitation both at the City Hall and at the State House, in the supposed interest of the firemen. The department is also extremely costly, and there appears to be no end to its demands for increased appropriations, both for current expenses and for buildings and equipment.

As already stated to the City Council, I believe that better results, financial and administrative, can be obtained by placing the Fire Department in the hands of a single commissioner, at an adequate salary.

SECTION 3. *Overhead Wires.* After failing for three successive years to induce the Legislature to give the city authority to compel the electric light and other companies maintaining wires in and across the public streets to put them underground, an appeal to the Legislature of 1894 was successful, and the authority given by chapter 454 of the acts of that year is now being exercised with good results by the new Commissioner of Wires.

CHAPTER 11.

RELIEF OF THE POOR.

This work, except so much of it as relates to paupers entitled to permanent support under the general settlement laws of the Commonwealth (see chapter 12), is in charge of the Overseers of the Poor in the City of Boston, consisting of twelve members, four of whom are appointed each year by the Mayor. This corporation has the right to receive trust funds, the income of which is applicable to the purposes designated by the several donors; and the amount of such funds now in its hands is about \$375,000.

The Board also receives an annual appropriation from the City Government, averaging about \$110,000, which is used for the relief of those entitled to public assistance under the statutes of the Commonwealth, who are not inmates of the Public Institutions.

The manner in which the duties of this Board — particularly during the serious crisis of the winter of 1893-4 — have been discharged by its members, who receive no compensation, and yet are obliged to devote a very large amount of time and labor to the duties of their office, deserves the highest commendation.

It is sometimes assumed that the city can expend any amount of money which it sees fit for the purpose of furnishing relief in the form of work or alms to the poor and destitute; but this is not the law. Municipal corporations in this Commonwealth are permitted only to expend the public moneys for the relief of such persons as are entitled to it under the provisions of the pauper statutes (P. S., ch. 84), and to the limited extent allowed by chapter 374 of the Acts of 1874. This latter statute authorizes the city to expend an amount not exceeding one fifteen-hundredth of one per cent. of the valuation for the year for such charitable

purposes as the City Council may designate. The amount of the appropriation possible under this law is only about six thousand dollars ; and while the city is not limited in the amount that can be appropriated for the use of the Overseers of the Poor, the appropriations can only be expended by that Board for the relief of those entitled to it by law. The appropriations granted to this Board cannot be used, any more than those given to other departments, in miscellaneous charity, or for the purpose of furnishing employment.

During the distress which prevailed in this city in the winter of 1893-4 efforts were made through appeals to the humanity and charitable disposition of the members of the City Government, by threats of personal violence, and by every species of political intimidation, to induce the city officials to strain the law or to connive at its evasion, and to disburse a part of the public funds raised by taxation or loan, either directly to those who stood in need of aid, or through the indirect process of creating work for the unemployed.

A considerable portion of my inaugural address last year was devoted to this subject and to the proper means of meeting an emergency which every charitable person was forced to recognize.¹ I stated my conviction that "the main reliance of every community in emergencies like the present must be the generosity and public spirit of its individual citizens," and that there was no doubt that the people of this city would respond then, as in the past, to all urgent and well-considered appeals in behalf of poverty and want. This confidence was not mistaken ; the emergency was met and overcome ; and what threatened to be a season of unusual hardship and severity happily passed away without the suffering and distress which so many of us were led to fear. This result was accomplished by the voluntary and individual action of the charitable people of this city, acting partly through their churches, partly through the various

¹ See also Inaugural Address of Mayor Cobb, 1875.

charitable societies, and partly through a citizens' relief committee specially organized for the purpose.¹ The action of the community in its corporate capacity was confined to the legitimate expenditures authorized by the statutes and to such coöperation in the way of accelerating the progress of the public works as seemed proper under the circumstances. An open winter favored the prosecution of these works, and it was possible for the first time in some years to continue work upon the parks and sewers throughout the year. No special appropriations were voted, not even under the law of 1874, and no public money was disbursed in this crisis that would not have been in any event expended, except that the Overseers of the Poor received a larger appropriation than usual in the annual appropriation order for 1894-5 for the purposes for which they are authorized by law to expend money.

At a time when State and municipal legislatures all over the country were besought to authorize the undertaking of public works for the sole purpose of furnishing occupation for the unemployed, and to resort to other methods of relief still more direct, it is cause for congratulation that the people of this city were able to meet the crisis and to avert the expected distress without recourse to illegal or unwise uses of the powers of government. Wherever a contrary policy was adopted, it failed, so far as my information goes. The Legislature of the State of New York passed an act authorizing the Park Department of the City of New York to expend \$1,000,000 in park construction for relief purposes. It is notorious that this money was largely wasted, so far as its utility for park purposes was concerned, and that it was at the same time of little assistance in relieving the necessities of the poor. The result of the appeals made to the Legislature of this Commonwealth for the relief of the unemployed was the passage of an act authorizing the Metropolitan Park Commission to expend \$500,000 in the construction of roadways. Not a dollar of this sum was expended

¹The final report of the Citizens' Relief Committee is printed as Doc. 197 of 1894.

at the time, or has been since. Instances of the failure of the efforts made last winter to relieve the distress that then prevailed through the creation of work for the unemployed might be multiplied, if space permitted. The knowledge thus gained, taken in connection with the history of the experiments made during the past few years in London and other English towns to avoid the evils of pauperism through the establishment of public works, points to one of two conclusions : either that such efforts are after all unavailing to relieve distress, or that they operate to create the very evil they are intended to prevent.

CHAPTER 12.

PAUPER AND PENAL INSTITUTIONS.

These since early in 1889 have been in charge of the Board of Commissioners of Public Institutions, created by chap. 245 of the acts of that year, and consisted in 1891 of the House of Correction, in South Boston; the House of Industry, the House of Reformation, and the Truant School, at Deer Island; a lunatic hospital, partly in South Boston and partly at Austin Farm; a home for pauper children, on Marcella street in Roxbury; and three almshouses, on Long and Rainsford Islands and in Charlestown.

Disturbances, finally resulting in open riot, occurred at Deer Island in the latter part of 1891. A careful personal investigation satisfied me that those disturbances had been fomented by one of the commissioners and some of the subordinate officers at the island; and these officials were therefore removed, under circumstances more fully set forth in the messages to the City Council of February 5 and February 23, 1892. The ease with which discipline has been maintained among the prisoners from that day to the present seems to be proof conclusive that the right course was followed at the time.

Induced by this occurrence to investigate more carefully the general condition of our public institutions, I soon became convinced that they were one and all suffering from an utter inadequacy of accommodations, as well as from certain defects of management and system largely due to the lack of proper buildings.

The accommodations in the House of Industry at Deer Island were wholly insufficient for the average number of prisoners there, and the close proximity of this institution to the House of Reformation and Truant School for boys was objectionable in the highest degree. At Long Island there

was but one building, constructed in 1885-8 without regard to modern methods of treatment and classification; and the building at Rainsford Island was still older, and wholly unadapted to the needs of a modern almshouse. The Lunatic Hospital at South Boston was unfit for the care of the insane in every respect, apart from its overcrowded condition. It was opened in 1839, and enlarged in 1846, since which time no money had been expended on it except for ordinary repairs. Some of the inmates were removed to Austin Farm in 1887, but that had furnished no permanent relief.

With the assistance of a Board of Visitors, composed of public-spirited citizens familiar with institutional work, appropriations have been made amounting to \$907,500,¹ with which 376 additional cells have been provided at Deer Island; five new buildings for the insane have been erected at Austin Farm; 77½ acres of additional land have been purchased in the vicinity of Austin Farm, and three buildings for the insane erected thereon; a parental school for boys, consisting of two buildings, has been built on about 29 acres of land purchased in West Roxbury; and several hospitals and a new dormitory have been erected at Long Island.

These buildings are practically complete, and are either already occupied or will be within a few weeks. They will permit the department to concentrate at Long Island² all the paupers entitled under the laws of the Commonwealth to permanent support by the city; to transport all the truant boys to the beautiful home provided for them in West Roxbury; to devote Deer Island exclusively to the House of Industry and its prisoners; to remove the House of Reformation for boys to Rainsford Island; and to remove all the insane patients of the city, not boarded out in the State institutions, to Pierce and Austin Farms in Dorchester.

¹ Or more than the aggregate appropriations of the preceding twenty years for land and buildings for our public institutions.

² The Commissioners have been directed to place the new hospital at Long Island in charge of a corps of visiting physicians and surgeons, and thus assimilate, so far as possible, the management of this institution to that of the city hospital.

The new buildings will also permit the arrangement, separation, and classification of patients upon approved modern theories, and include larger and better hospital accommodations than can, I am satisfied, be found in similar institutions elsewhere in this country.

A large part of the time of the Board of Aldermen has been occupied during the year just closed with an investigation into abuses alleged to exist in these institutions. Investigations by a tribunal which has no power to compel the attendance of witnesses or to administer a binding oath, and to which the most reckless statements can be made without subjecting the witness to the penalties of perjury, are not apt to be fruitful in results.¹ The Board has listened with great patience to every one who had a complaint to bring against the management of the institutions, and has finally exonerated the commissioners from the charges brought against them. This result is, in my opinion, matter for public congratulation, as more vicious and undeserved attacks upon public officers than have at times been made in the course of this investigation have seldom been witnessed in the annals of municipal government.

I would not be understood, however, as condemning the opinions held by the Board of Visitors or by the public-spirited ladies and gentlemen who, if mistakenly, yet honestly, thought that the best way to secure the desired reforms was through a public investigation carried on in advance of the possibility of reform. The reports of the Board of Visitors in 1892 and 1894 contained many valuable suggestions which were promptly acted on by the department, others were found impracticable without additional legislation, and others were impossible of execution until the new buildings were completed. There was no possibility of intro-

¹ See message of February 23, 1892, for a fuller discussion of the difficulties surrounding such investigations. The chief practical result of the aldermanic investigation of 1894 has been to postpone for an entire year the filling of the vacancy caused by the resignation of the chairman of the Board, who desired, and in my opinion was entitled to, an opportunity to defend the management of the institutions from the charges brought.

ducing the more general reforms recommended by the Board so long as the inmates of our institutions were confined in the miserable, crowded quarters until recently existing. In other words, much of the criticism passed upon the commissioners was premature. Now that the new buildings are complete, administration upon the most approved modern institutional theory is for the first time possible. As it was unreasonable to expect a proper treatment according to modern methods of the pauper and criminal wards of the city in the public institutions as they existed four years ago, so now, with one of the most modern and elaborate plants to be found anywhere in the country, their mismanagement ought to be impossible.

CHAPTER 13.

PARKS.

The great benefit derived by the people of New York from the construction of Central Park induced the citizens of Boston to consider seriously the advisability of providing similar, or possibly better, park facilities for themselves. The attempt was made, in 1870, to commit the people at a special election to the creation of a park system, but the act provided that a two-thirds vote was necessary, and although a majority voted for it, the necessary two-thirds was not obtained.¹

In 1874 a special commission was appointed to consider the subject, and in 1875 another act² was secured authorizing the city to establish a system of parks if the act were accepted by a simple majority vote. This act was accepted at a municipal election by 3,706 "yeas" to 2,311 "nays," and constitutes the basis of our present park system. A park commission was appointed under this act in 1875; and the first large appropriation was voted in 1877, being a loan of \$450,000 for land for the Back Bay Fens. From that time to December 31, 1890, the work of constructing the various parks recommended by the commission and its landscape architects proceeded very slowly. There had been expended up to that date \$6,537,616.33,³ and with the exception of a portion of the Fens, a part of the Arboretum, a small park at the West End known as the Charlesbank, and parts of Franklin Park, there was practically nothing to show for this great outlay. That is to say, a great part of the work was still under construction and proceeding slowly; much of it had not been

¹ See St. 1870, ch. 283. A special election was held on November 8, 1870, at which 9,233 persons voted "yea" and 5,916 persons voted "nay."

² St. 1875, ch. 185.

³ \$3,028,068.94 for land, and \$3,509,547.39 for construction.

begun at all; and the portions that were finished were inaccessible to the general public. The policy had been adopted — embodied in the Act of 1886 authorizing a loan of \$2,500,000 — of expending only \$500,000 a year for land and construction, on account of the main park system; and on January 1, 1891, there was but one instalment of this loan unissued. A new loan was evidently necessary, and accordingly the Legislature of 1891 authorized the borrowing of \$3,500,000 in instalments of \$700,000 per annum. As the work progressed I soon became convinced, however, that this rate of expenditure was too slow; that the present inhabitants of the city were deriving practically no benefit from the enormous expenditures on account of these parks; and that a wiser policy would be to finish all the absolutely necessary parts of the park system as rapidly as possible, so that the people of this day and generation could enjoy its benefits. Accordingly, in 1893, the prohibition against issuing more than \$700,000 a year was remitted,¹ and the Park Commissioners immediately set about the completion of the system as rapidly as possible. This work has progressed so favorably that the Fens, the Muddy River Improvement, Jamaica Park, the Arboretum, and Franklin Park, as well as the connecting parkways, have been substantially completed and opened for public use during the year 1894. Much progress has also been made upon Marine Park; while the smaller parks, such as Wood Island and Charlestown Heights, have not been neglected.

It was expected that the loan of \$3,500,000, authorized in 1891, would be sufficient to complete the system in all its essential features; but this expectation has not been fulfilled, owing principally to the unexpectedly heavy amounts which the city has been obliged to pay for land. Some additional expense has also been caused by the purchase of Franklin Field and Dorchester Park, but the main reason for the increase in the amount needed to complete the parks has been the large sums which have had to be paid to the

¹ St. 1893, ch. 211.

owners of land expropriated by the commission. An appropriation of \$500,000 was made by the City Council of 1894 within the debt limit; a new park at the North End was bought, and is now being constructed under an appropriation of \$300,000 within the debt limit; and the Legislature of 1894 authorized the city to borrow an additional million of dollars on or after the first of January, 1895. The whole of this loan will be needed to pay for the lands not yet settled for, to provide for the contracts now outstanding, and to finish up those parts of the main park system and Marine Park which seem reasonably necessary in order that the public may derive the full benefit of these parks, and the money which they have cost.

There has been expended from January 1, 1891, to December 31, 1894, the sum of \$5,492,302.05, making a total expenditure for parks since 1875 of \$12,029,918.38. The million of dollars to be issued the coming year¹ will bring the expenditures up to over \$13,000,000, for which sum the park system as laid out by the first commissioners, with some few additions since, will be completed in all its essential features. Some of the details contemplated by the landscape architects, as well as the construction of the "strandway," will have to be omitted unless further appropriations are made. It seems to me that such appropriations should for the future be derived exclusively from loans within the debt limit, and that no application should be made to the Legislature for further loans for park purposes outside of the debt limit. An annual loan of a few hundred thousand dollars can easily be procured for park purposes within the borrowing capacity of the city under the statute of 1885, and such annual expenditure would seem to be about all the taxpayers should now be called upon to bear for the purpose of park construction.

The interest taken in the development and speedy completion of our park system has not been confined to parks within the limits of the city, and I have felt it desir-

¹ Issued January 4, 1895.

able that the city should lend its aid in every legitimate way to the scheme of metropolitan park improvements, authorized by the Legislature of 1893.¹ Under the authority of this act the Metropolitan Park Commission has secured about 6,225 acres of wild lands in the suburban towns, which, added to the municipal parks, public grounds, and water reservations, in Boston, Lynn, Malden, Cambridge, Newton, and other towns in the metropolitan district, make a total park area for this city and its suburbs of over 12,000 acres. To acquire the metropolitan reservations, and to connect them with boulevards or parkways, the commission has been authorized to expend \$2,300,000, the larger part of which will fall upon the city of Boston. The Stony Brook reservation has been connected with the Arnold Arboretum by a parkway, part of which was taken by the Metropolitan Park Commission, and surrendered to the city, and the remainder of which was taken by the Boston Park Commissioners themselves. The Metropolitan Park Commission also proposes to connect the Blue Hill reservation with Blue Hill avenue, and thus with Franklin Park, by widening Mattapan street, in Milton, and to coöperate with the town of Winchester and the Boston Water Board in the preservation of the shores of Mystic Lake and the Abbajona River. Arrangements² have also been made with the President and Fellows of Harvard University for an addition of about 75 acres to the Arnold Arboretum.

The community now owns and can soon enjoy for purposes of public recreation park areas greater in extent and much more accessible in situation than are to be found within the limits of other large cities. That portion of the park system lying within the city limits and just completed has already commended itself to popular favor, and bids fair to revolutionize the appearance of the city, and to some extent the habits of its people. The great expenditure involved will, I am satisfied, prove one of the best investments that the city

¹ St. 1893, ch. 407.

² Awaiting the sanction of the Legislature.

has made, although not capable of earning a direct pecuniary profit; and the citizens may well congratulate themselves that the system was so judiciously laid out in the first place, and that the original plans have been so carefully adhered to by successive park commissioners.

CHAPTER 14.

THE CIVIL SERVICE.

Appointments of heads of departments and to some other offices are made by the Mayor, subject to confirmation by the Board of Aldermen. Subordinate appointments are made by the heads of departments, in some few cases the approval of the Mayor being also necessary. These subordinate appointees are all within the scope of the civil service rules, except the deputy superintendents, heads of divisions, and other persons charged with responsible executive duties, the employees of the City Treasurer, Collector, and Mayor, and some miscellaneous officers, such as messengers, deputy sealers of weights and measures, assistant assessors, etc.¹ With these exceptions, all the employees of the City Government, including the laborers, are within the scope of the rules laid down by the Civil Service Commission.

During the past four years these rules have been amended so as to include employees who up to that time had not been classified; and the rule permitting temporary employment or thirty days without drawing on the lists of the Civil Service Commission has been modified so as to allow such employment for a period of five days only.

The City Council of 1892 passed an ordinance forbidding city employees to serve upon political committees. An attempt to repeal this ordinance in 1893 was stopped by executive veto. A similar ordinance was passed by the City Council of Cambridge in 1892 and repealed the following year; and an attempt to induce the Legislature of 1893 to enact a similar law relating to State and county employees

¹ See St. 1884, ch. 320, and amendments, particularly St. 1893, ch. 95.

was defeated. The city of Boston thus remains the sole, as it was the first, public body in the country to prohibit office-holders from serving upon political committees or acting as delegates to political conventions. The object of this reform was to prevent the creation of a political machine consisting of office-holders; and this object has been successfully accomplished, as appears from the fact that since the passage of the ordinance, city officers and employees other than those elected by the people have not been permitted to serve upon the political committees of either party, or to act as delegates to nominating conventions.

Frequent requests are received for a statement of the general results of the application, through the State Civil Service Commission, of the merit system to the selection of municipal employees; and it may be proper to record here the opinions which the experience of the last four years has led me to form.

The system has not resulted in the elimination of politics from the City Government; for although little opportunity for political preference remains in respect to the original selection, yet as soon as appointed the employees form organizations for mutual protection and advancement. These organizations are political, though not partisan, in character; the laborers in the several departments organize in labor assemblies with the object of securing permanent employment, an increase in the number of holidays, higher wages, and, generally, an extension of the privileges accorded to this class of city employees; the firemen associate themselves together for the purpose of procuring more leisure, an increase in salaries, and otherwise to advance their interests; and the police officers work for pensions and other privileges. This activity among the civil service employees of the city is not political in character in the sense that it is exerted in favor of either the Democratic or Republican parties. It may rather be said to be antagonistic to the party for the time being in power. The movement is, however, distinctly political, as intended to secure special privileges

from the City Government or the Legislature through political pressure. The adoption of the civil service principle has not eliminated political activity from the City Government; it has simply changed its form.

As to the fundamental question, whether better men are secured by this system than before, I am inclined to think that the advantage, while slight, is with the merit system. Theoretically, better men can be selected by the heads of departments than through any species of examination, oral or written; but practically, I think that better results are obtained in the long run through the merit system, making the exceptions stated at the beginning of this chapter. Some difficulty has been experienced in getting competent men from the civil service lists in certain classes of work, — particularly in stenography, — but with this exception I should say that the men sent down by the Civil Service Commission have been on the average superior to those likely to have been appointed by the departments, if allowed to select their employees at will — that is to say, under the pressure of political and personal considerations.

While, therefore, it cannot be said that the system has worked a radical improvement in the character and capacity of our city employees, and while it has wholly failed to eliminate politics, using that word in its broadest sense, from the public service, still it has one great advantage which in my opinion outweighs all inconveniences and shortcomings, and that is the protection it affords to the heads of departments against the pressure of individual office-seekers, politicians, and political committees. Without this protection, the difficulty of conducting the city business under the present charter, which concentrates all the executive business in the Mayor and heads of departments, would be increased to such an extent as to make the office of Mayor almost untenable; and it was a fortunate thing for the City Government that the civil service principle was introduced simultaneously with the charter amendments of 1885. On the whole, therefore, while the system

has not worked in practice exactly as was predicted, still it has worked fairly well, and is an indispensable protection to the executive officers of the city.

Extreme partisanship in appointments to heads of departments has never obtained in this city, and while these officers are not within the scope of the civil service rules, it may not be out of place to record the fact that on January 1, 1891, there were among the salaried heads of departments twenty-seven Republicans. Of these, one was removed for cause, one resigned, one lost his place through a consolidation of departments, six were not reappointed at the expiration of their terms, and the remaining eighteen were either reappointed or transferred to some other department. Of the eighteen thus retained two have since died, one has resigned, and one has failed of reappointment.

CHAPTER 15.

LABOR MATTERS.

One of the chief difficulties in municipal government under democratic institutions is the treatment of the labor problem in its various aspects. The relations between the municipal corporation and its employees engaged in manual labor are everywhere the cause of unceasing agitation and discussion ; and this is particularly the case in Boston, where from the earliest times a larger proportion of the public work has been done by day labor than in the other large cities of the country. The collection of garbage, at first let out to contractors, was intrusted to a department of the City Government to be handled directly by its employees, as early as 1824 ; and in the same year a street-cleaning service was inaugurated upon the day-labor plan. The lighting of the public lamps, which prior to 1868 had been done by the gas companies or other contractors, was at various times between that year and 1870 handed over to the lamp department, and has since been attended to by the employees of that department. Work upon the streets was done very largely by day labor as early as 1850 ; sewers have been built by day labor from an early period ; the laying of pipes for our water-works has almost always been done by the day ; since 1865 the construction of the great basins has frequently been attempted by day labor ; and a large part of the work of park constructions since 1882 has been done by the day.

The present practice is to do all the work of maintenance, repairing, jobbing, pipe-laying, and all matters the proper execution of which is a question of opinion, and therefore difficult to secure through written specifications, by day labor employed directly by the city departments, and to let all works of large construction out by contract.

The day-labor system, even if excluded entirely from works of large construction, costs the city very much more than contract work, as, owing to the higher rate of wages paid, the smaller number of hours, and the large number of holidays and half-holidays without loss of pay, the city pays about sixty per cent. more than the market rate of wages.¹ A further loss is experienced through the necessity of furnishing, so far as practicable, permanent employment throughout the year, and also by the continued employment of men who have grown old in the service of the city.

On the other hand, a good deal of the city's work could not be done by contract without constant complaints from the citizens that it was not properly done. This applies to the collection of garbage, the cleaning of streets, the lighting of lamps, and other work of the sort, the proper execution of which is in the nature of things a matter of opinion and therefore incapable of accurate specification in a written contract. In the next place, work in the nature of jobbing — of which there is a great deal in the Street Department — probably costs no more under this system than if let out by contract, for the reason that the profits of the middleman in small jobs are necessarily large. Then there is a class of work difficult of inspection, such as the laying of water-pipes, which it is for the interest of the city to have done by day labor, even if it costs more, in order that the city authorities may be certain that it is well done.

Notwithstanding all that can be said against the execution of public works by day labor, I am satisfied that it is on the whole for the advantage of the city that work of the character mentioned should be done in this way; and as to the high rate of wages, shorter hours of work, and other privileges which swell the cost, it may be said that the wages paid to the city laborers have not been increased since 1882;² that

¹The cost in the Street Department alone of holidays and half-holidays amounts to nearly \$75,000 per annum. A city laborer (unskilled) receives about 24 cents per hour of actual work, while the contractors pay about 15 cents.

² When they were fixed by vote of the City Council at not less than two dollars per day.

the hours of labor are regulated by statute;¹ and that if the city is to employ day labor at all, it has been found practically necessary that the laborers should receive high wages, permanent employment so far as practicable, and generally a more liberal treatment than in private work. Whether city laborers work as faithfully as those employed by contractors depends on circumstances, principally on the discipline of the department and the energy of its foremen.

Passing now to the consideration of works of construction, we find wholly different conditions. Here the cost of the day-labor system is very much greater than contract work, and the results are in no respect more satisfactory.²

While there are opportunities for collusion and corruption in the contract system, still these opportunities can be and, so far as my experience goes, are avoided with comparative ease. Contracts for work of this character can be so drawn as to permit of accurate inspection, and with upright and watchful heads of departments there is no reason why public work of this sort cannot be carried on fully as cheaply and quickly as private work.

I have been at some pains to secure accurate comparisons of the cost of works of large construction done by day labor and by contract, and the following instances are given by way of illustration: At Lake Cochituate, in 1887, about 50,000 cubic feet of shallow flowage work was done by day labor, at a cost of \$28,837.16; while the following year about 57,000 cubic yards of similar work was done by contract for \$16,202.25. Stripping 54,000 cubic yards of loam from the bottom of Basin 6 cost by day labor 71 cents per cubic yard; while the average of five sections let out by contract, involving the removal of about 400,000 cubic yards, cost about 40½ cents a cubic yard. Rubble masonry was built on Basin 6 by day labor at a cost of \$12.50 per cubic yard, and by contract for \$7.50 per cubic yard.³ The

¹ St. 1890, ch. 375, which went into effect January 1, 1891.

² See report of Citizens' Association for 1890, pages 17 and 18; and report for 1891, pages 97-99.

³ On the other hand, the concrete work on the dam for Basin 6 cost the same by day labor as by contract.

work on Basin No. 5 (that now under construction, estimated to cost \$2,500,000 for land and construction) is being done by contract; while the greater part of the work at Basin No. 6 was done by day labor; and the following table shows a comparison of the results obtained :¹

	DAM No. 5.	DAM No. 6.	
	Contract.	Contract.	City.
Stripping of Basin and Dam	0.24	.....	0.57
Sodding embankment	0.28	.....	0.90
Concrete core-wall	4.70	.....	6.61
Plastering Portland cement	0.67	.....	0.99
Delivering gravel on embankment ...	0.206 (est.)	0.206	.....
Spreading and rolling	0.119 (est.)	.....	0.226
Stripping 496,207 cubic yards .....	.....	0.405	0.64
Stripping 110,232 cubic yards .....	.....	.....	.....

The plan now being pressed by certain labor organizations (not composed of city employees) for the construction of public buildings by day labor employed directly by the

¹ The City Engineer, from whom these figures are obtained, makes the following explanation :

In the item of 496,007 cubic yards of stripping is included one section of 90,810 cubic yards, which was very difficult. Excluding that section, the average cost of stripping 405,197 cubic yards was 35½ cents per cubic yard. The city work necessarily costs more than that done by contract for the reason that the city pays in the country \$2.00 for nine hours' work, gives one half-day per week during four months, all holidays, and two days for voting. The men work from eight to nine months per year. This makes the price paid for one hour of actual work about \$0.24, while the contractor pays in ordinary years, in the country, \$0.15 per hour.

The division of cost of building the dams is about as follows: Labor, 67 per cent.; teaming, 13 per cent.; tools, etc., 20 per cent.; and on this basis the city must pay 1.42 times as much as the contractor for the same effort. For stripping, the division of cost would be for labor, 75 per cent.; teaming, 20 per cent.; tools, etc., 5 per cent.; and the city must pay 1.49 times as much as the contractor.

city is too preposterous for discussion. The city has no opportunity to give constant employment to the skilled labor required in building operations, and would therefore be unable to secure the best workmen; it has no plant; the administration of such work would greatly enlarge the scope of political patronage; the cost may be safely set down as two or three times that of the present system; and all the advantages to be gained from competition under our present admirable contract law¹ would be lost.

Between the demands of the taxpayer for the execution of all public works by contract, and the demands of the labor organizations² that all public works should be done by the day, I believe that the safe, reasonable, and prudent course to follow in the public interest is the system now and for some time past in operation. According to this, all work of large construction is done by contract, through competition, except, perhaps, in certain special cases of peculiar difficulty; while jobbing, maintenance, repairs, and other work of the kind, including all that cannot be accurately specified and inspected, is done by day labor employed directly by the city departments upon liberal terms, in respect to wages, hours, holidays, and length of employment.

¹St. 1890, ch. 418, sect. 4-6.

²There is no demand by the *city* employees for such a change in the methods of doing city work. It would obviously operate against their interests as tending to increase the number of persons on the labor rolls of the city without increasing the opportunities for permanent employment.

CHAPTER 16.

STATE LEGISLATION.

While the city is dependent upon the action of the State Legislature for permission to do a great many things that it desires to do, its financial concerns, on the other hand, are the subject of constant attack by individual members of the Legislature, both from this city and from other towns. The treasury of the city of Boston is regarded in many parts of the State as a fund to be drawn upon by compulsory legislation for the benefit of the smaller towns; and many of the representatives from this city make it their habitual concern to introduce and advocate bills for the transfer of portions of the city's money for the benefit of special interests and classes. The result is that during the annual sessions of the Legislature a large part of the work of governing this city must be transacted at the State House in the advocacy of needed reforms, and in defence of the city treasury against agrarian and class legislation.

I shall not encumber these pages with a detailed account of this work,¹ on the whole the most important that has devolved upon me during the past four years. It was inevitable, in the execution of this duty, that friction should be caused, enmities aroused, and misunderstandings created. Whoever undertakes such work in the public interest is sure to be accused of advocating measures which he has in fact opposed; of being hostile to measures which really received his hearty support; of going to the Legislature too often; of going too little; and generally

¹ Covering from fifty to a hundred appearances a year at committee hearings and conferences.

of interference with its work, or of neglecting it, according to the standpoint of the critic. Corporation lobbyists impugn his motives, real-estate speculators attack his character, and the horde of schemers who invade the Legislature with plans to plunder the taxpayers of this city become his personal enemies. On the other hand, the committees of the Legislature can generally be depended on to consider the municipal questions brought before them in a spirit devoid of partisan and personal motives.¹

The following is a summary of the more important measures enacted during the last four sessions of the Legislature, and advocated by me either by petition, letter, or personal argument.

1891.

CHAPTER 93. An act to authorize the city to anticipate its authority to borrow money within the debt limit during the current municipal year, so that loans can be placed early in the year and their proceeds made available for expenditure during the working season.

CHAPTER 206. An act to prohibit the borrowing of money for current expenses.

CHAPTER 301. An act authorizing a loan of \$3,500,000 for park purposes.

CHAPTER 321. An act amending the public statutes so that the ordinary loans issued by the city of Boston may be made payable, if desired, in twenty years, instead of ten.

CHAPTER 323. An act creating a Board of Survey, and providing for the construction of streets by assessment.

CHAPTER 324. An act authorizing the city of Boston to borrow \$1,000,000 outside of the debt limit, to complete the new Public Library building.

CHAPTER 344. An act authorizing the extension of the Charlesbank from the West Boston bridge south.

¹ Except such questions as are, or are thought to be, political in character.

CHAPTER 365. An act creating a commission to consider the question of Rapid Transit.

CHAPTER 388. An act authorizing the construction of a bridge connecting L street and South Boston with Congress street and Ward 13.

CHAPTER 390. An act creating a special commission to consider the improvement of the Charles River.

1892.

CHAPTER 213. An act relating to the financial administration of our water-works, enabling the city to place its water-works, for the first time since their inception, upon a self-supporting basis.

CHAPTER 342. An act for the establishment of a commission to consider the advisability of establishing a system of metropolitan parks.

CHAPTER 371. An act authorizing the Board of Park Commissioners to acquire the property and franchises of the Jamaica Pond Aqueduct Company and the Jamaica Pond Ice Company.

CHAPTER 401. An act permitting the construction of sidewalks by assessment.

CHAPTER 402. An act relating to assessments for the construction of sewers.

CHAPTER 404. An act to provide an open space on the east side of the State House Extension.

CHAPTER 419. The new building law.

CHAPTER 433. An act providing for the abolition of grade crossings on the Boston & Providence Railroad by raising the tracks.

1893.

CHAPTERS 170 and 464, being amendments to the Building Law of 1892.

CHAPTER 192. An act relating to loans of the city of Boston, authorizing the City Treasurer to treat money derived from the various loans as a general fund for the purposes authorized.

CHAPTER 211. An act remitting the provision of the park loan act of 1891, that no more than \$700,000 could be issued in a year.

CHAPTER 261. An act relating to transfers of appropriations.

CHAPTER 300, as amended by chapter 411. An act authorizing the Board of Park Commissioners to incorporate into our park system streets adjacent to or leading into the parks, upon the request of a majority of the abutters.

CHAPTER 339. An act for the extension of Boylston street.

CHAPTER 342. An act for the protection of the public health, giving courts of equity jurisdiction to enforce an order of the Board of Health for the filling of flats and marshes below grade 11.

CHAPTER 407. An act to establish a Metropolitan Park Commission.

CHAPTER 435. An act permitting the construction of an embankment in the rear of Beacon street.

CHAPTER 459. An act authorizing the State Board of Health to investigate the subject of an additional water-supply for the city of Boston and its suburbs.

CHAPTER 460. An act providing for the enforcement of all the orders of the Board of Health by decree, thus furnishing a more efficient remedy than had hitherto existed for the abatement of nuisances.

CHAPTER 462. An act authorizing the establishment of building lines on public ways.

CHAPTER 474. An act relating to the Bay State Gas

Company, the result of which was the cancellation of \$3,000,000 of its nominal capital.

CHAPTER 475. An act authorizing the Board of Metropolitan Park Commissioners and the State Board of Health to consider the improvement of the Charles River.

CHAPTER 478. An act providing for the construction of a subway under Tremont street, subsequently accepted by the City Council.

1894.

CHAPTER 119. An act authorizing the Board of Health to compel the owners of private passageways to pave them.

CHAPTERS 257, 382, and 443. Amendments to the Building Law.

CHAPTER 288. An act authorizing the Metropolitan Park Commissioners to construct roadways and boulevards.

CHAPTER 324. An act authorizing the laying out of public ways with reservations for street railways, bridle paths, drains, sewers, electric wires, trees, grass, and planting.

CHAPTER 335. An act extending the term of the Board of Survey.

CHAPTER 416. An act providing for the construction of Columbus and Huntington avenues on the betterment plan.

CHAPTER 439. An act relating to the extension and construction of Boylston street and other adjacent streets, in the territory between the Back Bay Fens and Brookline avenue.

CHAPTER 454. An act providing for the putting of all electric wires underground.

CHAPTER 509. An act authorizing the Metropolitan Park Commission to acquire the shores of the Charles river above Cottage Farm.

CHAPTER 532. An act authorizing the taking of land on the east side of the State House for an open space.

CHAPTER 548. An act to promote rapid transit.

In addition to the laws embraced in the foregoing schedule, reference may be made to the anti-stock-watering laws of 1894, to the various acts for municipal lighting passed since 1890, to the law imposing a tax on legacies, to numerous acts for the abolition of grade crossings, to the investigation by a legislative committee into the capitalization of the Bay State Gas Company, and to the investigation by the Executive Council into the conduct of William M. Osborne, a member of the Board of Police; all matters to which I have been obliged to devote more or less time during the past four years.

Among the more important measures objected to and defeated may be mentioned the West End franchise bill of 1891; various measures annually introduced to drive foreign corporations out of the State by compelling a disclosure of the ownership of their stock; various other measures for increasing the burdens of double taxation; various amendments to the street construction law of 1891 offered for the purpose of compelling the city of Boston to construct streets for the benefit of private speculators; innumerable attempts to authorize the City Council to borrow money outside of the debt limit; the measure annually introduced into the Legislature for the ostensible purpose of securing a "redistribution" of the school fund, but really with the object of taking about \$400,000 a year out of the city treasury of Boston and distributing it among the smaller towns and cities; bills to take away the fire department and other branches of municipal service from the control of the City Government; bills to compel the city to pay taxes upon the basins and other improvements built by it in the towns situated on the Sudbury-river water-shed; bills to increase the tax rate; bills to abolish the debt limit; bills to compel the city to use its money for improper purposes; and innumerable other measures in the interest of bad government.

On the other hand, unsuccessful appeals have been made to the legislatures of the last four years to extend still further the system of street and sewer construction by

assessment; to exempt municipal bonds from taxation; to secure a tax on direct legacies and successions; to authorize the Mayor and Aldermen to exact compensation for the use of streets from corporations having franchises therein; to procure the right to manufacture light for municipal use in the streets, parks, and other public property of the city; and for other minor reforms.

CHAPTER 17.

COMMERCIAL FACILITIES.

SECTION 1. *Docks.* The early growth, prosperity, and wealth of Boston were due to foreign commerce, and its one permanent natural advantage is its harbor. During the past forty years, however, the commerce of this port has been declining in comparison with that of Philadelphia and Baltimore, cities less favored with harbor facilities than Boston. This is not the place to discuss the causes of this decline nor the remedy, in so far as this depends upon the individual enterprise of our business men and merchants; but there is a widespread belief that the community in its corporate capacity should take the problem up, and if it were certain that the decline in our commercial importance could be arrested or the foreign business of the city increased through the prudent and conservative action of the municipality, few would doubt the expediency of entering upon the work. The suggestion most frequently heard is that the city should undertake the construction of a great system of public docks in East Boston. Over seven hundred of our most prominent citizens and business firms have asked the City Government to petition the Legislature for such legislation as will permit the establishment of public docks in Boston harbor; and the City Council has requested me to send such a petition to the Legislature.

I have not been able to see my way clear to address such a petition to the General Court. The comprehensive scheme of public docks which has been presented in support of this request would involve the expenditure of millions of dollars; there is no consensus of opinion as to the best location for the docks; and it is altogether doubtful whether the establishment of them would in reality revive our languishing commerce. It should not be forgotten that the aid of the

municipality was unnecessarily invoked for the establishment of railroads. Mayor Otis took the ground in 1829 that "the State and city must be up and doing, or the streams of our prosperity will seek new channels," and advocated the construction of railroads on public account, or by means of public contributions, "to save this State and city from insignificance and decay;" while the people voted on July 30, 1830, to request the Legislature to authorize the city to subscribe for \$1,000,000 of railroad stock. And yet a railroad system was secured for Massachusetts without State or city aid; and the subsequent railroad speculations of the State proved very expensive and useless undertakings. So, in the matter of dock facilities, it is doubtful whether any more are needed, and it is possible that if needed they will be supplied at the expense of private capital.

For these reasons, and in view of the unfortunate results of some of our municipal undertakings of this character, I have been unwilling to officially endorse a vague and general petition for the establishment of public docks. Before any such scheme is entered on, there should, it seems to me, be a most careful and thorough investigation, not by committees of the City Government or the Legislature, but by a special body or commission of persons, competent through their experience and knowledge of commercial and municipal affairs to study the subject in all its practical and financial details. In advance of such an investigation, it seems to me that it would be folly to commit the city in any manner to the purchase, construction, ownership, or management of public docks upon the scale contemplated.

Moreover, if an addition to our dock facilities is really necessary, and can only be procured at public expense, ways exist to secure it without seeking legislative authority to establish municipal docks upon the scale suggested, and without an increase of the city debt beyond the limit now fixed by law. In the first place, the Commonwealth owns a large area of flats in Ward 13, which it is slowly filling and selling off for building purposes. If public docks are a neces-

sity they can easily be obtained through the improvement by the Commonwealth of these flats for dock purposes, rather than for building lots. In the next place, the city of Boston owns large areas of flats on the other side of the harbor, which can be filled or developed either for building or commercial purposes without any special authority from the Commonwealth, except the right to change the harbor lines. The City Engineer has at my request prepared a modest scheme for the construction of two or more large docks upon the city flats known as Bird Island, off Jeffries Point, in East Boston. Docks or wharves could be built on this site of sufficient size to accommodate six or eight large ocean steamships at a time, at an estimated expenditure of less than \$1,000,000. The city has from the beginning exercised the right to improve its land upon the harbor front for commercial purposes, and the only authority that would seem to be needed for the improvement of the Bird Island flats for this purpose would be the consent of the State and Federal authorities to the filling of the flats and to the construction of wharves beyond the present Harbor Commissioners' lines. The system of docks thus suggested would cost but comparatively little; the amount needed could be divided into two annual instalments of \$500,000, a sum easily obtained within the present borrowing capacity of the city under the debt limit law; and the scheme, if successful, could be extended almost indefinitely in an easterly direction towards Governor's Island, or in a northerly direction, at right angles to the Governor's Island channel.¹ The city also has considerable property in South Boston, near the Reserved Channel, and a large area of flats in Dorchester Bay, which could be developed for dock purposes without any authority whatever from the Legislature or the Federal government.

If anything is to be done by the city of Boston in this

¹ See various plans and suggestions contained in the report of the Rapid Transit Commission of 1891, as well as the plans recently prepared by the City Surveyor and the City Engineer.

matter, it seems to me that it should be undertaken upon the modest and comparatively inexpensive plan here suggested, and substantially, if not exclusively, upon the property now owned by the city; and that it would be altogether unwise for the city to request or receive a general authority to purchase, develop, build, or maintain any grand scheme of public docks involving an expenditure of untold millions.

SECTION 2. *Railroad terminals.* Equally important with the improvement of the harbor is the necessity for an improvement in the terminal facilities of the different railroads entering Boston. This problem was exhaustively discussed by the Rapid Transit Commission of 1891, which made a number of recommendations upon the subject. Many of these recommendations have since been carried out, notwithstanding the general opposition at first manifested by the railroad companies. Lands have been acquired for the freight terminals of the Boston & Maine system substantially as recommended by the Commission; the tracks of the Providence Division of the New York, New Haven, & Hartford Railroad are to be elevated and increased in number, substantially in accordance with the Commissioners' plan; and this company has shown an entire willingness to coöperate with the city in the improvement of the freight facilities of the Old Colony Division, though not upon the exact lines recommended by the Commission. On the other hand, the recommendation of the Commission of elevated drawless bridges across the Charles River, and of a second-story Union Station, on Causeway street, for the Boston & Maine and Fitchburg Railroad Companies, was defeated in the Legislature of 1893, although it received the endorsement of the State Railroad Commission and of the special committee of the Legislature appointed to consider the subject. The action of the corporations in this matter and the construction of the new Union Station at the level of the street is now understood to be regarded by many of the railroad officials and engineers as a great mistake. The building has cost fully as much as the second-story station

would have cost ; the expense of abolishing the grade crossings on the north of the river will be very much more than if the tracks had been elevated instead of the streets ; and the great advantage to be derived from a two-story station and drawless bridges across the Charles has been indefinitely postponed, if not forever lost.

It is earnestly to be hoped that the Federal authorities will permit the Boston Transit Commission to build a new bridge to Charlestown without a draw, but at an elevation sufficient to permit of the passage of tugs, barges, and small boats at all stages of the tide. This would close the river to masted navigation, and thus cause some inconvenience, and possibly pecuniary loss, to the wharf owners along the upper basin of the Charles ; but the gain to the transportation interests of the city would be immeasurably greater than any loss due to the exclusion of masted vessels from the Charles ; and the construction of such a bridge would be likely to lead to the reconstruction at some future time of the other bridges across the river at a level sufficient to permit the continuous and uninterrupted passage of mastless craft at all stages of the tide.

CHAPTER 18.

MUNICIPAL INVESTMENTS.

The subject of municipal ownership is attracting great attention, and suggestions for the purchase and management by the community of the various kinds of semi-public business hitherto controlled by private corporations are becoming frequent. The city of Boston has during its seventy-two years of corporate life been engaged on a large scale in five distinct works of this character; namely, the improvement of the "Public Lands," the Quincy market, the Cochituate water-works, the East Boston ferries, and the Mystic water-works; and it is evident that accurate information as to the results of these undertakings may be of great service to the public, not only in the management of these particular enterprises, but in respect to others upon which the city may be urged to embark.

This information, only to be obtained after laborious research in the books and accounts of the city, has been prepared at various times during the past three years by the City Auditor and his clerks in response to inquiries from the Executive Department. I have had the accounts of these different enterprises struck off upon tables and forms specially prepared for the purpose and brought down to date. They will be found in the Appendix, Tables 25 to 45.

SECTION 1. *The Public Lands.* The first undertaking in the nature of an investment or speculation which attracted the attention of the City Government was the improvement and sale of the flats surrounding the city. These were recognized at a very early period, not only as a means of developing and expanding the city, but as a possible source of profit. In fact, for many years it was customary to assume that the proceeds of the public lands thus

acquired would be sufficient to pay the city debt.¹ The Mill Pond lands, the Neck Lands acquired by filling on either side of Boston Neck, the South Bay lands on the borders of the tidal basin called by that name, the South Boston lands, and the Back Bay lands, were the principal undertakings of this character, and the financial operations relating to them cover a period of about seventy years; the first expenditures having been in 1824 and the last receipts in 1892. A profit of nearly \$3,000,000 was realized on the Neck lands; the South Boston lands netted about \$300,000; and the Mill Pond lands about \$200,000; while there was a loss on the South Bay scheme of about \$700,000, and on the Back Bay lands of about \$850,000. The exact net profit of the five undertakings has been \$1,847,559.23.² This figure takes no account of the subsequent expenditures for streets laid out and constructed on these lands, nor, on the other hand, of the public benefit derived from the increase in the building area of the city. It covers merely the expenditures and receipts charged or credited in the city books to the Public Lands Account.

During the ten or fifteen years succeeding the close of the Civil war three special improvements — the Northampton-street, Suffolk-street, and Church-street improvements — were undertaken and carried out for sanitary reasons. The total cost of these undertakings was \$4,174,167.33, and the receipts were \$1,258,632.26, making the net cost of the improvements \$2,915,535.07.

Other investments or speculations in land have from time to time been entered into, and the result of these operations as a whole, including those already named, is that they have cost the city, net, \$1,011,603.96, taking no account, however, of the great collateral advantages derived from the increase of the street and building area of the city. It will be seen that the expectation of the authorities during the earlier period of our municipal history, that there was suffi-

¹ See inaugural addresses of the early Mayors.

² See Appendix, Table 25.

cient profit in the development of the tidal flats about the city to pay off the city debt, was justified so long as the net debt of the city was under \$2,000,000, a financial condition which ceased about the year 1848.

SECTION 2. *The Quincy Market.* The next undertaking or investment of the kind under discussion was the establishment of the Quincy market. This undertaking, begun during the elder Quincy's administration, had paid for itself by 1848, and has since yielded an aggregate profit above all expenses of nearly \$3,000,000. Table 26 in the Appendix contains the accounts of the Quincy market from 1825 to January 1, 1894, and may be summarized as follows :

	Principal.	Income.	Totals.
Payments, \$1,240,280 62		\$969,316 06	\$2,209,596 68
Receipts . 1,178,753 35		3,888,877 65	5,067,631 00
Balance . -- \$61,527 27		+\$2,919,561 59	+\$2,858,034 32

The property now consists of 27,400 square feet of land, assessed at \$822,000, and of a building assessed at \$300,000, making the total assessed value of the estate \$1,122,000. The annual income exceeds the annual expenditure by about \$57,000, which is a little over five per cent. on the assessors' valuation. Taking the loss in tax receipts due to its ownership by the city into account, the net profit to the city amounts to about three and three-quarters per cent. per annum. While this is less than the average return from private investments in land, yet it will hardly be denied that an undertaking which paid for itself in twenty years, which has since yielded and is still bringing in a net revenue of nearly \$60,000 a year, and which furnishes public accommodations of great value, has been a success, regarded from the standpoint of a municipal investment.

SECTION 3. *The Mystic Water-Works.* After an agitation lasting seven years an act was procured by the city of Charlestown from the Legislature of 1861,¹ and accepted

¹ St. 1861, ch. 105.

by the voters September 10, 1861,¹ permitting the city to procure a water supply from Mystic Lake. Work was begun in September, 1862; in 1863 additional legislation² was procured; and the works were substantially completed in 1864, the water having been turned on November 29 in that year. The first cost of the works was about \$750,000, including \$12,000 for interest; and was defrayed by money borrowed principally on short-time notes and afterwards funded in five and six per cent. bonds.

Construction still kept on, and by 1870 the water debt amounted to over \$1,000,000. A sinking-fund was established in that year, to consist of surplus earnings above maintenance and interest. The receipts seem to have equalled the payments for maintenance and interest for the first time in 1869, but the accounts were kept in such a manner as to make it very difficult to ascertain the facts; and in 1871 Mayor Kent, "feeling that the time had arrived when the exact state of the accounts should be ascertained,"³ had the accounts made up from the beginning to February 28, 1871. The results thus obtained are assumed to be correct, and are made the basis of the tables prepared for the appendix to this message.⁴ It appears that the works had cost to that date \$1,247,633.19 for construction, \$150,287.42 for maintenance, and \$304,602.12 for interest, a total of \$1,702,522.73; and that the receipts from sales of water had been \$518,626.34; making the net cost to March 1, 1871, \$1,183,896.39.

The water bonds then outstanding amounted to \$1,172,000, — approximately the net cost of the works. In 1872 arrangements were made to supply the town of Everett⁵

¹ An act passed in 1860 had been vetoed by Governor Banks, on the ground that the proposed dam might injure the harbor.

² St. 1863, ch. 9.

³ Inaugural address, 1872.

⁴ The figures are those given by Mayor Kent, but are differently used. He struck interest on the items on both sides of the account — a process that does not seem to serve any useful purpose.

⁵ Chelsea and Somerville are also supplied with water from the Mystic works. The distributing system outside Charlestown was built and is owned by the several municipalities. Boston collects the rates and pays one-half to the several towns by virtue of contracts entered into in 1886 under St. 1874, ch. 400.

with water. The receipts from the sale of water had equalled or exceeded the payments for maintenance and interest since 1868 or 1869, but were still inadequate to meet the expense of the necessary annual extensions, which was continued as a charge against construction and defrayed by the issue of bonds until the fiscal year 1873-4, when for the first time the receipts showed a clear surplus above expenditures of all kinds. Mayor Stone very properly considered that it was time to close the construction account and to use the surplus revenue above maintenance and interest for all necessary extensions or improvements.

At the date of the annexation of Charlestown to Boston (January 5, 1874) the accounts stood as follows :

Payments for construction	.	.	.	\$1,460,000 00
“ “ maintenance	.	.	.	344,876 29
“ “ interest	.	.	.	524,962 45
Total	.	.	.	\$2,329,838 74
Receipts	.	.	.	1,068,199 17
Net cost to January 1, 1874	.	.	.	\$1,261,639 57
Bonds to the aggregate amount of \$1,460,000 had been issued, of which \$57,000 had been paid, leaving a gross debt of	.	.	.	\$1,403,000 00
Amount of sinking-funds	.	.	.	97,597 95
Net Mystic debt on annexation	.	.	.	\$1,305,402 05

These figures show that about \$140,000 had been borrowed in excess of the actual cost of the works. This was in part represented by the money in the sinking-funds.

The undertaking was then, however, earning a profit above annual interest and expenses ; that is, was already on a self-supporting basis, and, if rates were properly maintained, would eventually clear itself from debt.

Since annexation, \$220,000 of bonds have been issued by the city of Boston for improvements; but these, as well as the water bonds issued by the city of Charlestown, have since been paid out of water rates. The last bond was paid April 1, 1894; and there is now no Mystic water debt, but an apparent surplus in the sinking-funds of \$163,210.26,¹ which is used under St. 1892, chap. 213, for extension of mains or other purposes connected with the Cochituate Water-Works. The net cost of the works, meaning the difference between total expenditures to a given date for construction, maintenance, and interest, and total receipts from sales of water, surplus land, etc., was, at the date of annexation, about \$1,250,000, and has gradually been reduced, until this year for the first time a net profit is shown on the whole undertaking. On December 31, 1894, the receipts for the entire period, 1865-1895, exceeded the expenditures by \$24,603.45;² and from this time on the works should yield an annual profit, after paying for all necessary improvements along the Abbajona River and its tributary streams.

One of the principal arguments used to induce the people of Boston to vote for the annexation of Charlestown was the prospective profit to be made on the Mystic Water-Works after the debt was extinguished. It has taken twenty years to realize this expectation; but from this time forth, unless rates are reduced, the Mystic Works should be a source of revenue, to be applied under the Act of 1892 to extension of mains in other parts of the city, or to the reduction of the debt incurred for the Cochituate and Sudbury Works.

SECT. 4. *The Cochituate and Sudbury Water-Works.* After a discussion lasting twenty years, in which innumerable sources of supply were considered, it was determined to take the waters of Long Pond or Lake Cochituate for that purpose. An act of the Legislature was obtained in 1845, but was rejected by the people because the power to

¹ As of January 31, 1894. See Appendix, Table 34.

² The net cost January 31, 1894, was \$78,868.07 (Appendix, Table 32); and the surplus revenue from February 1 to December 31, 1894, amounted to \$103,471.52.

authorize the water loans was vested by the terms of the act in the commission to be appointed to execute its provisions.¹

The next year a new act was obtained, which left the power to vote appropriations for the water-works with the City Council, and this act was accepted by the people.² The commission was appointed in May, 1846, possession taken of the lake on August 10, and ground broken August 20. The mains leading from the lake to the city, the various reservoirs in Brookline, Boston, South Boston, and East Boston, and the distributing system for the entire city, was completed in about three years and a half, at a cost of about \$5,000,000,³ all defrayed by loan. The extensions found necessary from time to time after the close of the construction account in 1851 were provided for partly by loans and partly by taxes; and in 1859 a new main was laid from the Brookline reservoir to the city, for which a special loan was authorized. In 1865 the construction of the large reservoirs at Chestnut Hill was begun under the authority of St. 1865, ch. 131, and completed in five years, at a cost of about \$2,500,000.

The annexations of Roxbury,⁴ Dorchester,⁵ Brighton, and West Roxbury involved an expenditure of over \$2,000,000 for extensions of the distributing system to the annexed territory, and also made it necessary to establish a high-ser-

¹ St. 1845, ch. 220, rejected by 3,999 nays to 3,670 yeas.

² St. 1846, ch. 167, accepted by 4,637 to 348, April 13, 1846.

³ The original estimate was \$2,651,643, and the Act of 1846 authorized a loan of \$3,000,000. Water was turned on for the city proper October 25, 1848, and for South Boston on November 28, 1849. In the meantime, however, it had been determined to extend the system to East Boston, at an estimated cost of \$500,000; and an act was procured (St. 1849, ch. 187) authorizing a loan of \$1,500,000 to cover the East Boston extension and the cost of the works in the city proper in excess of the original loan. The Water Acts also permitted the city to issue loans in addition to the \$4,500,000 specifically authorized to cover the payments for interest during construction and for two years after the completion of the works. The construction account of the water-works was declared closed on April 30, 1851, and interest between that date and April 30, 1853, as well as the interest previously paid, was met by the issue of bonds.

⁴ The distributing system for Roxbury was completed and water turned on October 26, 1868.

⁵ Water turned on July 19, 1870.

vice system,¹ which has cost to date about \$1,125,000. The increase of population due to the annexations and other causes, as well as the unexpected *per capita* increase in consumption,² rendered an additional source of supply imperative, and authority was procured in 1872³ to take the waters of the Sudbury River. Under this act and subsequent amendments the greater part of the upper courses of the Sudbury River have been taken for the purposes of "additional supply;"⁴ five large impounding basins⁵ have been constructed, besides Whitehall Pond, reacquired in 1890; and a sixth basin (called No. 5) is now in process of construction. There had been spent under these acts for additional supply over seven and a quarter millions to the first of February, 1894, and the new basin now in process of construction is estimated to cost \$2,500,000 more.⁶

The total cost of the Cochituate and Sudbury system,

¹ The high-service works were begun in 1839. The reservoir at Parker Hill was begun in 1873 and completed in 1874, under St. 1873, ch. 287.

² At the inception of the works, it was estimated that 28½ gallons per day per capita would be sufficient, but the actual amount used in 1851 was 49 gallons, and it has steadily increased to 107½ gallons in 1893.

³ St. 1872, ch. 177.

⁴ The original taking was made January 21, 1875.

⁵ The following tables give area, cost, and other statistics relating to the artificial basins already constructed on the Sudbury water-shed.

	Acres. H. W.	Area not flowed.	Total area Land.	Storage in Million Gals.	Daily Supply Proportional to Capacity. Million Gals.
Basin 1	143	64	207	280	1
" 2	134	50	184	530	1.8
" 3	253	90	343	1,080	3.7
" 4	167	94	261	1,400	4.9
" 6	185	270	455	1,530	5.2

Cost to December 31, 1894.

	Dam.	Basin.	Land Damages.	Total Cost.
Basin 1	\$144,929 15	\$44,455 20	\$67,759 46	\$257,143 81
" 2	152,892 51	147,957 82	143,013 78	465,954 11
" 3	194,950 13	183,939 98	40,512 61	419,409 72
" 4	521,998 45	263,517 93	26,330 00	813,846 33
" 6	549,241 57	334,183 02	26,876 59	910,301 18

⁶ This basin will cover 1,200 acres of land; its storage capacity will be 7,436,000,000 U.S. gallons.

including, besides the above-named works of large construction, all payments for extension and maintenance of the works to January 31, 1894, was \$32,121,785.09, and the payments for interest amounted to \$24,154,688.96; making a total of \$56,276,474.05. The receipts or income of the water-works (including charges for hydrants and public buildings) have been \$34,896,724.18, and from other miscellaneous sources \$1,763,939.71; making a total of \$36,660,663.89. The difference between the total receipts and the total payments is \$19,615,810.16, and represents the net cost¹ of the works on January 31, 1894. Of the total cost of the works (\$56,276,474.05), \$21,449,420.45 was derived from loans, \$33,068,041.69 from water revenue (that is, water rates, premiums on loans, etc.), and \$1,759,011.91 from taxes.

Upon the creation of the Board of Commissioners of Sinking-Funds in 1871, the sum of \$1,100,000 was set aside from the funds turned over by the Committee on the Reduction of Debt, and apportioned to the sinking-fund created for the payment of the Cochituate water-debt. All the moneys in the hands of the Committee on Reduction of Debt had been raised by taxes, and this sum of \$1,100,000 was

¹The expression "net cost" of a municipal water-works is commonly understood to be the difference between the total expenditures on account of the undertaking, including the interest on loans issued, if any, for the purpose, and the total receipts derived from the operation of the works, the sale of surplus land, old material, premium on loans, etc. An attempt was made by the Water Board about twenty years ago to reduce the net cost of the Cochituate Water-Works by the sum of \$1,352,000. This was the amount claimed by the Water Board as that portion of the money in the hands of the committee for the reduction of the debt which should have been credited to the Cochituate water loans; and for several years the Water Board deducted this amount from the real net cost for the purpose of making it appear that the total cost of the water-works was so much less than was really the case. In this undertaking they followed a course similar to that pursued by the Directors of the East Boston ferries in their trial balance statement (see p. 157). The City Auditor, however, very properly objected to this method of ascertaining the cost of the water-works, as the sum in question was not derived from the income of the works, but had been contributed from the tax levy; but he was overruled, and for some years, between 1874 and 1878, the Auditor's annual reports contained a statement of the net cost of the Cochituate Water-Works with this credit of \$1,352,000 deducted. The views of the Auditor, however, finally triumphed, and in 1879 this ingenious fiction disappeared for good.

therefore a contribution from the general taxpayers for the reduction of the water debt. Since 1871 over three millions and a half have been added to the Cochituate water sinking-fund from the income of the water-works, and nearly a million more from taxes and city income. The present annual additions to the Cochituate water sinking-fund amount to about \$300,000 from water rates, \$300,000 from interest on investments, and \$50,000 from interest on bank deposits, premium on loans, etc., or about \$650,000 per annum.

The total amount of water loans issued to January 31, 1894, was \$21,563,711.11, of which there was on hand on that date an unexpended cash balance of \$114,272.73, and the sum of \$17.93 (being the unexpended balance of the loans for the construction of the Chestnut-hill reservoir) had been paid into the sinking-fund; leaving the total amount derived from loan and expended on the water-works to January 31, 1894, at the sum already mentioned, — \$21,449,420.45.

As water loans have not in recent years been issued to the full extent of the additions to the sinking-funds from water rates and interest on investments, and as large additions to the sinking-fund were made from the general tax levy prior to 1877, the net debt of the Cochituate Water-Works to-day is much less than the amount borrowed for the construction of the water-works, being only \$9,443,032.90 on December 31, 1894.

The Cochituate water debt, which was about \$5,000,000 upon the completion of the original water-works in 1851, was gradually reduced to less than \$3,000,000 in 1865; after which time it gradually rose, until between 1886 and 1891 it averaged about ten and a quarter millions. During the past four years there has been a reduction, due principally to the abandonment of the practice of borrowing money for annual extensions.

Although the debt is now decreasing, and will continue to decrease unless more than \$600,000 or \$700,000 is borrowed annually for construction,¹ it does not follow that it is not very much more than it ought to be. In the first place, money has

¹ Or rates are reduced.

been borrowed for purposes the cost of which in any properly regulated municipal or private water-works would have been defrayed from income rather than from the proceeds of bonds.

The original cost of the works, with interest during the construction period and for two years thereafter, was rightly met by loan, according to the terms of the Act of 1846; and for these purposes scrip to the amount of \$5,430,711.11 was issued. Further loans were properly authorized and issued as follows: for the construction of Chestnut-hill reservoir, \$2,449,982.07; for new mains from the Brookline and Chestnut-hill reservoirs into the city, \$654,991.83; for additional supply, \$7,334,687.56; for the high-service works, \$1,103,144.69; for the shops on Albany street, \$60,000; and for extensions in the annexed districts, \$2,085,000; making a total of \$19,118,517.26 procured by loan, and expended for lands, water rights, and construction between 1846 and 1894.

These loans were all for purposes for which stock or bonds would be issued by a private corporation, and for which a municipal water-works would issue loans; but in addition to this sum, which represents the actual amount of money borrowed for real estate and construction, there has been borrowed \$215,175.92 for maintenance and "general expenses," \$330,000 for meters, and \$1,900,000 for ordinary annual extensions of mains: a total of \$2,445,175.92, representing items of expenditure which on any correct or customary business theory should have been charged to income and not met by loan.

No one will question that the loans for current expenses should have been avoided, and few will doubt the propriety of charging the cost of meters, stopcocks, and similar articles to income rather than to capital; but the question as to the extension of mains is more difficult, as many corporations issue stock for such purposes. That under ordinary circumstances, however, the cost of annual extensions would not be capitalized, at least in the form of bonds, by a gas or water works is abundantly shown by the annual reports of the Board of Gas and Electric Light Commissioners, the only official publication which attempts to give the exact financial

operations of semi-public corporations. It is also to be noted that in the case of the Mystic Water-Works the city of Boston itself has pursued the business-like policy of charging all expenses of this sort to income ;¹ and in almost every well-managed municipal water-works the same practice is followed. If the income of a municipal water-works is not sufficient to cover the cost of ordinary extensions, the deficiency had better be met by taxation than by borrowing money.

Prior to 1885 it had been the custom of the Boston Water Board and its predecessors to defray the cost of these extensions from the water rates or from taxes ; but between that year and 1892 loans were issued for this purpose aggregating, as already stated, \$1,900,000 in amount. The practice was stopped in 1892 ; extra activity in the office of the Water Registrar resulted in a considerable increase of income without an increase of rates ; and it was thus found possible to pay for all necessary extensions out of the income. The result has been a reduction in the Cochituate water debt of nearly a million dollars and the establishment of the works upon a strictly self-supporting basis.²

¹ The result has been that in the case of the Mystic Water-Works the debt has been paid off and the works are now yielding a clear profit above the cost of maintenance and extensions ; but it should be borne in mind that the task of supplying the city of Boston with an adequate supply of water is a relatively very much more difficult and expensive undertaking than the exploitation of Mystic Lake for the towns dependent upon it.

² It should be stated that the borrowing of money for the extension of mains was justified by an opinion of the Corporation Counsel (see Doc. 12 of 1885). With this opinion I was never able to agree ; but believing that the matter was not free from doubt and that the abandonment of the unbusiness-like practice of borrowing money for current extensions would be criticised in some quarters as long as any one could maintain that the law necessitated such a course, I applied to the Legislature of 1892, and an act was procured which justified the Water Board in returning to the correct practices obtaining prior to 1885. St. 1892, ch. 213, also permitted the Water Board to consolidate the financial operations of the Cochituate and Mystic Water-Works, and between the two the surplus revenues of the year above maintenance and interest have been sufficient to pay for all extensions of mains and to meet the annual requirements for the sinking-funds for the entire water debt. The Cochituate Water-Works have not yet reached this point, as the surplus of the Cochituate revenues above the cost of maintenance, interest, and extension of mains has not yet been quite equal to the amount necessary to meet the sinking-fund requirements ; but it should be during the coming year. In any event, the two systems together yield a revenue more than sufficient to cover all expenditures that on any theory should be charged to income ; that is, they constitute together a self-supporting system — and before the expiration of another year the Cochituate Water-Works should be self-supporting in themselves, while the Mystic Water-Works should yield a clear profit of between \$100,000 and \$150,000 a year.

The net Cochituate water debt and the net cost of the works would also be considerably less to-day than they are, if it had not been for continual and injudicious reductions in rates. The original tariff for dwelling-houses established in 1849 was raised in 1850, and again in 1855, while the rates for meters, introduced in 1859, were raised in 1865; and from that time until 1877 there was practically no change in the rates either for dwelling-houses or meters.¹ Up to that year there had been a conscientious effort on the part of the Cochituate Water Board and the City Council to make the water-works self-supporting, and to reduce the debt with a view to its final extinguishment, as was contemplated by the provisions of the Act of 1846, and by those who were responsible for the establishment of the water-works; but about 1877 the theory began to prevail that the chief aim of the administration of the water-works should be to reduce the rates, rather than to pay off the debt. The "sacred duty of providing for the debt"² was lost sight of; some encouragement was even given to the idea that the water should be made entirely free—that is to say, that the whole cost of maintaining the works should be transferred from the water takers to the general taxpayers of the city; and a reduction of $16\frac{2}{3}$ per cent. was made that year in the rates for consumption by meter. In 1879 a further reduction of 20 per cent. was made in the meter rates,³ and in 1886 the meter rates were again reduced by over 10 per

¹ Since 1854 charges have been made to the city for water used in the public buildings, and since 1870 a special charge has been made for fire hydrants.

² See remarks of Nathan Hale on the introduction of water into the city in 1848.

³ The ostensible cause of the reduction of 1879 was the assumed illegality of paying any part of the water income for interest on the difference between the cost of the works and the outstanding water debt. Inasmuch as a considerable part of the cost of the water-works had been met by general taxes and not by water loans or rates, it had been the practice of the Treasurer since 1858 to charge the water-works interest on the amount thus contributed, which was described as the unfunded water debt. The City Government of 1879 felt that this practice should be discontinued (see Mayor's message of April 21); and there was much to commend this view of the case if the money thus released was to be covered into the sinking-fund for the funded Cochituate water debt, as such a course would have resulted in a reduction of the debt. As a matter of fact, however, the remission of the obligation to pay interest on the funded water debt was simply used as an excuse for the reduction in meter rates made that year and in 1879, and thus under the pretence of correcting a book-keeping error, the ability of the water-works to pay off the debt was seriously impaired.

cent., and there was a general reduction in dwelling-house rates equivalent to about 10 per cent. In 1888 there was a still further reduction to large consumers of metered water.

Still further uncalled-for reductions were made in the years 1885,¹ 1889, and 1890, in the form of rebates upon the annual water bills for the ensuing year. The reduction for 1886 was 6 per cent., and amounted to \$43,588.97; that for 1890 was 7 per cent., and amounted to \$61,921.17; and that for 1891 was 10 per cent., and amounted to \$93,970.43 — an aggregate loss in receipts and a resulting increase in the debt of \$199,450.57.²

If no reductions and rebates had been made since 1877, it is easy to compute that the net cost of the water-works would have been less than it is by six or seven millions of dollars, and the net debt of the Cochituate water-works would probably have been extinguished. It will hardly be claimed that the saving to the individual water takers during the past sixteen years is a sufficient compensation for the fact that the net cost of the works has been steadily increasing, instead of diminishing, and that we have to-day a water debt of over nine millions of dollars. For the first thirty years the Cochituate water-works, though never self-supporting, were yet managed with a view to the gradual reduction and ultimate extinction of the debt — that is, in the interest of the city as a corporation; but between 1877 and 1891 they were operated for the benefit of the water-takers as a class.

During the past four years there have been no rebates or reductions of any kind for the benefit of the water takers;³ the income for the year 1893-4 was \$1,692,159.73; and this

¹ The Water Board had increased the rates for 1885, but rescinded this action upon request of the City Council, and after much pressure from prominent water takers. (See Doc. 31 of 1885.) At the close of the year a rebate of six per cent. on the bills for 1886 was ordered, notwithstanding the expressed opinion of the Board that the rates were already too low.

² This amount, if saved, could have been used for construction, and so much less money borrowed, or turned into the sinking-fund as surplus revenue. Either course would have resulted in a reduction of the net debt by the amount in question. As large loans were issued every year, these "rebates" were practically loans for distribution among the water takers.

³ Reductions have, however, been made in the charge of fire hydrants, which have been reduced to an almost nominal amount (\$2 per annum); and no charge is made

amount exceeded the total expenditures for maintenance, interest, and extensions of mains, by \$186,952.47, an amount nearly equal to the sinking-fund requirements for the year. With the assistance of the profits from the Mystic Water-Works there was paid into the Cochituate sinking-fund not only the requirements for the year, but about \$50,000 in addition. Thus the water-works, taken as a whole, Cochituate and Mystic, have been for the first time placed upon a strictly self-supporting basis; and during the ensuing year it ought to be possible to make that statement concerning the Cochituate system considered by itself.

The next step which should be taken is to effect a more rapid reduction in the debt, and a diminution of the figures indicating the net cost of the works. As it has not been thought best during the past four years to increase the water rates for the purpose of making the works self-supporting, so an increase in the rates will not be necessary for the purpose of reducing the debt; for if no further reductions in rates are attempted it ought to be possible, with the increase of consumption and consequent receipts, not only to issue all the loans necessary for the construction of the new basin on the Sudbury River without increasing the net debt, but to reduce it by annually increasing amounts. It will not be possible to make this reduction as rapidly as if the rates had not been tampered with between 1877 and 1888; but a very considerable reduction during the next five years can still be effected if the present schedules are maintained.¹

I will close this brief review of the financial history of our water-works by calling attention to the series of tables in the Appendix relating to the Cochituate Water-Works, which have been prepared at great labor by the City Auditor and

for water used for street-watering purposes or for the public urinals. As the additional protection afforded in case of fire and the improvement of the sanitary condition of the city are among the main justifications for a public supply of water, it seemed proper that none or nominal charges should be made for water used for these purposes. On the other hand, water used in the public buildings is paid for at the usual rates.

¹ These calculations may not hold after it becomes necessary to procure additional sources of supply beyond the Sudbury River. An increase in rates may then be necessary.

his assistants.¹ The difficulty of getting accurate and collated information relating to the cost and management of our water-works is very great. The annual reports of the Water Board contain most complete and elaborate accounts of everything concerning the engineering and sanitary aspects of the problem, but almost nothing relating to finances except the receipts and expenditures for the year. The two histories of our water-works—that of Mr. Bradley, covering the period from 1846 to 1868, and that of Mr. Fitzgerald, covering the period from 1868 to 1876—are practically silent in respect to the financial operations of the works. It is not pretended that the tables printed in the Appendix, prepared partly for the occasion and partly at various times during the past four years, are in any sense exhaustive; but they will at least serve to facilitate the work of inquiry into the results obtained by the city of Boston in its largest public undertaking.

SECTION 5. *The East Boston Ferries.* In 1832 the proprietors of Noddle's Island procured a ferry license from the Mayor and Aldermen, and in 1833 were incorporated² as The East Boston Company. This company maintained the ferry for the purpose of developing and selling its lands until 1835, when it was transferred to an unincorporated ferry company. In 1836 the Eastern Railroad bought the control of this latter company, and in 1842 the Eastern Railroad and the East Boston Company became the sole stockholders.

The growth of East Boston, as it was then called, stimulated a demand for better ferry accommodations, and in 1852 the East Boston Ferry Company was incorporated.³ This company bought the existing ferry, paying to the East Boston Company and the Eastern Railroad Company \$200,000 in stock, an amount representing rather the losses of the previous twenty years than the actual value of the property.⁴

¹ See Appendix, Tables 35 to 45. They do not always agree with the figures given in the reports of the Water Board, but are, I believe, more accurate.

² St. 1833, ch. 152.

³ St. 1852, ch. 244.

⁴ It was claimed that the net loss to 1852 had been \$203,000.

The charter of the East Boston Ferry Company provided that the Mayor and Aldermen of the city should have the power to fix rates or tolls, but that they should never be made so low as to reduce the dividends below eight per cent. upon the capital invested. There was also a provision for purchase by the city. The capital stock was fixed at \$200,000, with the right to increase to \$300,000. Two hundred thousand of this was issued at once, as already explained, and in 1853 \$25,000 more was issued. The tolls were fixed by the Mayor and Aldermen October 4, 1852.

In 1853 the company made money, and declared a dividend; but during that year an opposition company was started and incorporated as the People's Ferry Company,¹ with a charter similar to that of the East Boston Ferry Company. Late in 1854 the Mayor and Aldermen fixed the tolls for the People's Ferry Company, substantially as for the East Boston Ferry Company. The East Boston Ferry Company operated what is now known as the South Ferry, and the People's Ferry Company what is now known as the North Ferry.

The East Boston Ferry Company prospered in 1854, as during the previous year, and paid a dividend; but these two years, 1853 and 1854, were the only years in which any ferry company to East Boston ever declared a dividend.

The People's Ferry Company began operations late in the year, and a ruinous competition between the two companies ensued. During 1855 and 1856 both companies were operated at a loss, and in the latter year both petitioned for an increase in tolls. The Aldermen rejected the petition, in accordance with objections by citizens, who suggested a public subsidy in the nature of a money payment for laying out highways leading to the ferries over the property of the companies. The companies paid no attention to this refusal, and in June, 1856, increased the rates of their own accord to a figure about 40 per cent. higher than the original schedule. In 1857 numerous citizens petitioned the City

¹ St. 1853, ch. 422.

Council either for the establishment of free ferries, or for a subsidy to the companies sufficient to enable them to reduce the tolls. In 1858 the agreement between the two companies entered into in 1856 was broken, competition again broke out, and the tolls were reduced to figures lower even than the original schedule of 1852.

In 1859 the city paid each ferry company \$125,000 in cash for certain avenues, wharves, slips, piers, etc., and leased the same at a nominal rental to the companies for ten years; both agreeing to run the ferries for that period at rates to be fixed by the Mayor and Aldermen. Under this agreement the companies renewed operations under the low rates prevailing in 1858 and 1859; but they could make no money on this arrangement, notwithstanding the reduction in fixed charges through the payment of the subsidy, and in June, 1860, the companies raised the tolls to the original schedule. On July 23 the Mayor and Aldermen attempted to establish the tolls on the basis of the rates obtaining in 1858 and 1859; but the companies paid no attention to this order and petitioned for an increase.

In 1862 a subsidy was given to the People's Ferry Company of \$5,000, for operating that ferry for four months from June 1, 1862, but in November of that year this company discontinued operations and sold its boats. The city then took possession of the wharves, ships, and other lands of the company which it had bought in 1859, spent \$50,000 in repairs, and in 1868 leased them to the East Boston Ferry Company. The People's Company went into liquidation, and the stockholders lost all their capital except a final dividend of \$1 a share.

In 1866 the people of East Boston, not satisfied with their experience in the matter, procured a charter¹ for another ferry company, — the Citizens' Ferry Company; but nothing was ever done with this charter.

In 1869 the East Boston Ferry Company started a new line over the slips of the People's Ferry Company, which it had leased from the city. The same year an additional act

¹St. 1866, ch. 213.

authorizing the purchase of the East Boston Ferry Company's franchise and property by the city was obtained.¹ The East Boston Ferry Company petitioned for an increase in tolls, which were then the same as originally established in 1852. The Board of Aldermen refused, and the company brought a petition for a writ of mandamus, which was granted by the Court,² and thereupon the Aldermen acquiesced and passed an order raising the tolls.

The city then negotiated a purchase of the property and franchise of the East Boston Ferry Company for \$275,000, and on the first of April, 1870, took possession.

Up to this time the city had expended, including this sum of \$275,000, nearly \$700,000, net, for property, franchise, and subsidies.

Under the Act of 1869 the city, upon purchasing the ferry, could either make it a toll ferry; or a free ferry, and assess betterments on real estate in East Boston; or a free ferry for ten years and then a toll ferry, and assess half the betterments on East Boston property. The City Council elected to adopt the first plan, and on March 24, 1870, established a toll ferry, and fixed the rates, including a two-cent fare for foot passengers.

In 1871 a proposition to abolish tolls was defeated in the City Council, and an order to establish one-cent fares for foot passengers passed the Board of Aldermen, but was defeated in the Council.

The agitation for free ferries, begun in 1871, culminated in 1877 in an order which passed both branches of the City Council and was approved by the Mayor, abolishing the tolls from and after January 1, 1878. This order was declared illegal by the Supreme Judicial Court in the case of *Attorney-General v. Boston*. 123 Massachusetts, 460, on the ground that the city had exhausted its option by the terms of the order of 1870, establishing a toll ferry.

By 1878 the revenues of the ferries under the schedule

¹ St. 1869, ch. 155.

² See *East Boston Ferry Company v. Mayor and Aldermen of the City of Boston*, 101 Mass. 488.

of tolls which had remained unchanged since 1870 were approximately equal to the current expenditures; and although the ferries had cost the city up to that time over a million dollars net, and the average annual receipts were not equal to the average annual expenditures for all purposes, a series of reductions in tolls commenced. On January 1, 1879, a reduced schedule went into effect, by which 16 tickets were sold for 25 cents and 60 tickets for 75 cents, and reductions amounting to from 20 to 25 per cent. were also made in the tolls for teams. Later in the year the schedule was again lowered, so as to permit the purchase of 50 tickets for foot passengers for 50 cents. An application was also made in that year to the Legislature by the Mayor and Aldermen for an act permitting the establishment of free ferries. The petition met with vigorous opposition from the taxpayers, and was defeated.

In 1880 further reductions in tolls were made, principally in respect to the price for team tickets by the package. In 1881 a still further reduction was made in the cost of team tickets by the package. In 1887 the tolls were reduced to the lowest point practically possible for foot passengers, — namely, one cent; and the rest of the schedule was practically cut in half. This was the last reduction, and since 1887 the ferries have been maintained upon the schedule which went into effect July 1 of that year. The fight for free ferries was renewed before the Legislature of that year, with the aid of the City Council, but again proved unsuccessful.

In the meantime, the ferry directors went out of their way to misrepresent the financial results of the ferry undertaking. The annual report for 1881-2 is the first to contain a table purporting to show the "actual standing" of the ferries, which has been repeated in succeeding reports, with figures brought down to date. In the report for 1886 a "trial balance," apparently supporting the table of "actual standing," appears for the first time. If it was proper to characterize the reports prior to 1876, as was done by a committee of that year, as based upon inflated values, it

would be equally proper to characterize this table of "actual standing" as a deliberate and intentional misrepresentation. In this table, as it appears in the report for 1881-2 and subsequent years, the ferry department is debited with the amount spent from 1859 to date, except that no account is taken of interest on the moneys borrowed, and the department is credited not only with the amounts received from tolls, with the estimated value of the boats, real estate, "franchises," supplies on hand, etc., but also with \$250,000, alleged to be an amount "charged to ferry department for avenues that were laid out as streets in August, 1880, and properly should be credited to this department and charged to streets," and by a further sum of \$11,530.30 for "paving avenues." The credit of \$250,000 is the sum paid the two ferry companies in 1859 as a subsidy or "measure of relief," and, as distinctly appears from innumerable reports and documents of the period, was in no sense an expenditure for streets.

In this way, by taking no account of interest, by crediting two hundred and sixty-odd thousand dollars improperly, and by putting an inflated value on the real estate and franchise, a net loss on the whole undertaking was figured out of only \$46,034.07. A glance at Table 29, in the Appendix, will show that on this date the real cost of the East Boston Ferries amounted to about one and a quarter million dollars, and the tangible assets, real estate, boats, etc., were valued by the Directors themselves at \$618,591.86 only.¹

On April 17, 1891, the Board of Ferry Directors was abolished, and a superintendent was appointed in their place. Since then the ferries have been conducted substantially in the same manner as before, as no increase in the tolls as established in 1887 could be hoped for from the City Council; and the ferries are run at an annual loss of about \$60,000, without counting the average expenditure for boats and permanent improvements, which amounts to some \$30,000 more.

Since the abolition of the Board of Ferry Directors the

¹ Report for 1881-2, p. 10. Undoubtedly a speculative valuation.

annual loss has been relatively less than under the management of that Board, the percentage of deficit in the current expenses to receipts from tolls having been 44.9 per cent. between 1888 and 1891, and only 37.7 per cent. between 1891 and 1894; a result which testifies to the advantage of confiding executive work of this character to a single person, rather than to a board of five.

At the close of the last fiscal year, January 31, 1894, the East Boston Ferries had cost the city \$2,359,348.38 more than the receipts from all sources; and this deficit appears to be increasing at the rate of nearly \$100,000 per annum.

The financial history of the East Boston Ferries is the record of a succession of failures. Single corporations having a monopoly for the time being were unsuccessful; public regulation failed; competition was disastrous to the private interests involved and unsatisfactory to the public; subsidies proved not even of temporary value; and, finally, municipal ownership has turned out to be the most disastrous experiment of all. The investors lost their money; the city has sunk nearly two and a half millions of dollars; and to-day the people of East Boston are no better satisfied with the accommodations furnished by the ferries than they were in 1852.¹

It is easy to see, however, that if the tolls had been maintained at the figures originally established by the City Council of 1870, the ferries would before 1880 have been on a self-supporting basis, — that is, the total income would have equalled the total annual expenditures, — and by 1895 the greater part of the original expenditure, if not the whole of it, would have been cancelled. Instead of following, as in the case of the Mystic Water-Works, the prudent, business-like course of maintaining tolls at a point sufficient to pay a net profit above expenditures, which would reduce

¹ An instructive contrast in ferry management is presented by the experience of New York city, which secures a large yearly revenue from the lease of ferry franchises and docks.

and gradually extinguish the original cost, the City Council has managed this department as though the only interest concerned was that of the passengers on the ferries ; has reduced the tolls to the lowest possible figure, and far below the point of profit ; and has only been prevented by the courts and the good sense of the Legislature from abolishing them altogether.

As the sole cause of the disastrous results of this undertaking has been the yielding of the City Council to the desire of a section of the people to be transported between East Boston and the city for nothing, — that is, at the expense of other people, — so it is easy to point out the remedy. Stop all loans for boats, buildings, wharves, and slips ; increase the tolls to a point that will pay a considerable profit above all annual expenditures ; and provide that a small number of taxpayers may procure from the courts an injunction against reducing the tolls until the extinguishment of the cost. The remedy is easy to suggest, but impossible of accomplishment, as it is wholly improbable that a single vote could be obtained in the City Council for an increase in the tolls.

SECT. 6. *Summary.* The five municipal investments undertaken by the city of Boston have now been described. One of them, the improvement of the public lands, may be considered as having been fairly successful, having regard to both the financial and sanitary results. One of them, the Quincy Market, paid for itself in twenty years, and has been a source of large annual profit ever since. Another, the Mystic Water-Works, has paid for itself in thirty years, and from this time on, freed from debt, should be a source of annually increasing profit. The East Boston Ferry, on the other hand, has proved a most disastrous failure, and continues to be a great and annually increasing burden to the city. The fifth undertaking, the Cochituate Water-Works, was the largest and most difficult of them all, and has been so administered as to stand midway, in point of financial results, between the Mystic Water-Works and the

East Boston Ferries. The Cochituate Water-Works might have been managed very much more advantageously than they have been, they ought to be burdened to-day with a debt certainly not more than half the actual amount, and I believe that they might have been entirely cleared from debt; but, on the other hand, they have not been so utterly mis-managed as the East Boston Ferries, and it is still possible without increasing the rates to gradually reduce the debt and thus pave the way for a reduction in rates without violating business principles.

The lesson of these experiments in municipal ownership seems to be that it is possible for a city to manage these undertakings fairly well from the standpoint of private ownership, and distinctly well considered as municipal investments not necessarily undertaken for profit; and that it is also possible to manage them so badly that they constitute in the end a hopeless burden, the weight of which even fictitious bookkeeping cannot conceal. The history of our water-works and ferries is the record of a never-ending struggle between the taxpayer on the one side, and the rate payer on the other; and in view of the unfortunate results of some of these undertakings, we ought on the whole to congratulate ourselves that the results have been no worse in the others. The city should certainly decline to be drawn into such undertakings in the future, unless the necessity is urgent and the utmost precautions are taken to prevent a reduction in rates, tolls, and fares below the point of profit.

SECTION 7. *The Subway.* I regard this enterprise as a municipal investment, believing, as pointed out to the Legislature of 1894,¹ that the rentals received for the use of tracks and other privileges in the subway should be sufficient to pay the sinking-fund and interest requirements of the debt to be issued to build it. This debt will be presumably \$5,000,000, the estimated cost of the work, including land. The money can be borrowed at from three and a quarter to

¹ See Doc. 86, of 1894.

three and a half per cent. per annum, and the sinking-fund requirements on a forty years' loan are 1.1427 per cent. per annum. This makes a total of about four and a half per cent. or \$225,000 per annum for forty years as the income needed to relieve the city treasury from all payments on account of this enterprise, and to make it a source of large annual profit in the year 1935. As pointed out in the argument referred to, I entertain no reasonable doubt that if, as must be assumed, the present commissioners exercise their great powers in the sole interest of the public treasury, and there is no interference or retrograde action taken by the Legislature, this income can readily be secured.

There is of course the danger that the public, through its representatives in the Legislature or the City Government, will some day voluntarily surrender the profits that ought to be derived from this enterprise, or fritter them away in unprofitable extensions, and, as in the case of the East Boston Ferries and the Cochituate Water-Works, insist that the undertaking shall be managed without profit to the city treasury, or even at a loss to be made good by the general taxpayers. This ought to be a purely theoretic danger; but the experience of our city in the two enterprises mentioned, as well as the growing demand for the public ownership and management of all kinds of semi-public enterprises upon terms which imply increased taxation, justifies the fear. On the other hand, it has been proved to be possible for municipal corporations to manage such enterprises upon business lines, — at least in such a manner as to make them profitable regarded as municipal investments, — and in Boston we have two conspicuous illustrations in the Quincy Market and the Mystic Water-Works.

In leaving, therefore, this great project, which has occupied so much of my time during the past four years, to the care of succeeding City Governments and Legislatures, I desire once again to express the fixed opinion that this enterprise can be so handled as to be no charge

upon the taxpayers, to pay for itself in forty years, and thereafter to be a source of large profit to the city and the means of reducing the burden of annual taxation. It can also be mismanaged, the rents and profits thrown away, and its cost charged upon the taxpayers. Which course shall be taken depends upon the action of the future rulers of this city, and the responsibility for the financial success or failure of the subway rests, in my opinion, exclusively on them.

CHAPTER 19.

THE CITY CHARTER.

SECTION 1. *The Charter of 1822.* For forty years after the close of the Revolutionary war the people of Boston debated the desirability of procuring a city charter, and finally voted in favor of the change on January 7, 1822. The State constitution of 1780 had previously been amended¹ so as to remove all doubt concerning the power of the Legislature to establish city governments; and on February 23, 1822, the Legislature passed a city charter, which was accepted by the voters of the town on March 4, 1822.² Elections were held on April 8 and April 16, and on May 1, 1822, the new city government was inaugurated.

The charter of 1822 created a government consisting of a mayor, of a board of eight aldermen elected at large, and of a common council of forty-eight members — four elected by the voters of each of the twelve wards into which the city was divided.

The financial, executive, and administrative powers of the government were vested partly in the Mayor and Aldermen, to whom the powers of the selectmen of the town were transferred, and partly in the City Council, to be exercised by concurrent vote of both branches. The executive officers of the city were, generally speaking, elected by the City Council, while the Mayor was to preside over the Board of Aldermen, and to constitute with the Board a single body known as the Mayor and Aldermen. Beyond the power to appoint committees which this position gave him, the Mayor was little more than a figurehead; and although he was enjoined by the charter "to be vigilant and active at all times in causing the laws for the government of said city to be duly

¹ In the convention of 1820, ratified by the people April 9, 1821.

² By 2,797 to 1,881.

executed and put in force," and "to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished," the Legislature omitted to clothe him with the powers necessary for the performance of these duties.

Other features of the charter of 1822 worth noting are the existence of a separate school committee elected by the people, and a board of fire-wards elected by the voters of the several wards. This latter body was abolished in 1825, and a municipal fire department established in its place.

The charter of the city of Boston was, I believe, the first city charter to be granted in the New England States outside of Connecticut. It was not, like the Constitution of the United States, a carefully studied effort to create a new form of government; it was simply an attempt to substitute representative for direct control. The community, then numbering forty thousand people and seven thousand voters, had outgrown the capacity of the town meeting to conduct its affairs with efficiency and despatch, and a representative substitute was all that was thought necessary. A double legislative body, consisting of a Board of Aldermen and a Common Council, with a Mayor, who was practically nothing more than the presiding officer of the former, had existed in many of the towns of England from the Middle Ages, and had also been adopted in some cities in other parts of the United States. It was accepted by the people of Boston without serious question, their principal object being to secure the conduct of municipal business through representative institutions, rather than as hitherto by direct popular vote. The Common Council has sometimes been regarded as a substitute for the town meeting,¹ and the Board of Aldermen was in terms the successor of the Selectmen; analogies are also discovered to the legislative system adopted by the

¹ Section 25 of the charter provided for the calling, on request of fifty voters, of general meetings of the citizens "to consult upon the common good," etc. These meetings, not the Common Council, were at the time regarded as a continuation of the town-meeting system; but few have ever been called — none in recent years.

several States and the federal government; but, in substance, the organization provided by the charter was simply an adaptation of a form of municipal government which had existed for centuries in the commercial towns of England.

As already pointed out, the Mayor was, under the new charter of the city of Boston, as in the older municipalities of England, simply the chief officer of the government. He had no charter power of appointment or removal, no right of veto over municipal legislation, and no control of the executive business of the city, except such as was derived from his vote in the Board of Aldermen and the power to appoint its committees.

The difficulties attendant on this form of government in a democratic community were apparent from the outset. The citizens had surrendered all direct share in the administration of the government; but on the other hand the responsibility for the executive business of the government was divided among a very much larger number of elective officers than under the old system, — that is, among 57 instead of 9, — and there was less rather than more efficiency and cohesion in administration. During the first year of the new City Government disappointment was felt that the change had not produced the practical results expected; and the second Mayor determined to use all the powers that ingenuity could spell out of the city charter to the end of concentrating responsibility and control. The means adopted by him to secure this result was to make himself chairman of all the important committees of the Board of Aldermen, and thus personally to become familiar with all the details of the executive business of the city, and responsible for the management of them. This course enabled Mayor Quincy to become a most competent and careful administrator as well as a far-seeing advocate of public improvements; but the control exercised by him over the affairs of the city was necessarily the result of personal influence and industry. It had no technical justification in the charter, and was unaccom-

panied by legal powers of any kind. It subjected him to much criticism and abuse, and was one of the causes which contributed to his final defeat in the city election of 1829. I am not aware that any of his successors saw fit to imitate his example; and from 1829 to 1885 the executive business of the city was practically directed by committees of the City Council.

After the abandonment of Mayor Quincy's experiment, the weakness of the executive branch of the City Government was tolerated, though not ignored, until the building of railroads and steamships and the great increase in population due to these and other causes had entirely changed the character of the community and its necessities in the way of government. From a seaport town Boston became the distributing centre for the manufacturing industries of New England; new avenues of commercial communication were opened up in all directions; the city increased in population at an unprecedented rate; and it became common to think and speak of it as a metropolis. The "long winter of New England isolation" was broken, and Boston found herself suddenly transformed from a provincial town into a centre of trade and commerce, in close communication with all the other portions of a great country developing with phenomenal rapidity. The people no longer formed a homogeneous community, in respect to race, religion, or wealth. Their life became more complex, their interests more diversified, their aspirations larger; economy in public affairs ceased to be the chief aim of the city authorities; and a demand arose for a greater measure of municipal activity and a more liberal use of the public funds.

SECTION 2. *The Charter of 1854.* Under these changed conditions the inadequacy of the city charter became a matter of common admission, and in 1854 a revision was obtained.¹ This document contained few changes of importance except that it gave the Mayor a qualified veto

¹ St. 1854, ch. 448.

over the action of the City Council or either branch of it. It also gave him a power of removal over appointed officers; but as most of the executive officers continued to be elected by the City Council, this power was of nominal value. The veto power did not include the right to disapprove separate items in an appropriation order or a loan bill.

SECTION 3. *The Charter Amendments of 1885.* The charter of 1854 was in only one respect an improvement on the original—it gave the Mayor a qualified power of veto;¹ and as the city increased in population and the public business became still more diversified and complicated, the inherent difficulty of conducting it through committees of a large elective body became annually more apparent. For the next thirty years almost every Mayor at some period of his administration expressed the opinion that a radical change was necessary, and that the executive business of the city should be separated from the legislative. The annexation of the suburban communities of Roxbury, Dorchester, West Roxbury, Charlestown, and Brighton served to emphasize this necessity; and after various commissions² had considered the subject, and it had been repeatedly discussed in the City Council and the Legislature, a new charter was procured in 1885.³

This act did not attempt, as did the charter of 1854, to revise or reënact the organic law of the city, but took the form of a few short amendments, and is commonly referred to as the Charter Amendments of 1885. It transferred all the executive powers of the city to the Mayor, to be exercised through the several officers and boards of the city, in their respective departments, under his general supervision and control, and placed in charge of these officers and boards everything relating to contracts, the purchase of material, the employment of labor, the construction, repair, and management of the public works, buildings, institutions, and other city prop-

¹ As he had lost the power to vote in the Board of Aldermen, the advantage of the change was not great. Plurality elections for Mayor were inaugurated by this charter, a clear majority having previously been necessary.

² See especially the report of the last one, Doc. 120 of 1884.

³ St. 1885, ch. 266.

erty, and generally the direction and control of all the executive and administrative business of the city. It prohibited the City Council, its members and committees, from interfering in any manner in the employment of labor, the making of contracts, the purchase of materials, and generally in the conduct of the executive and administrative business of the city. It gave the Mayor the power of appointing, subject to confirmation by the Board of Aldermen, all officers and members of boards except the city clerk, clerk of committees, and city messenger, and those officers who were then elected by the people. It gave him the power to remove any of the executive officers and boards for such cause as he might deem sufficient and assign in the order of removal. It provided that all contracts exceeding \$2,000 in amount should require the approval of the Mayor, and prohibited the departments from expending money or incurring liability beyond the appropriations duly made therefor. It gave the Mayor the right to veto every order passed by the City Council, or either branch of it, and to disapprove separate items in loan bills and appropriation orders; subject to the right of the City Council by a two-thirds concurrent vote to override the veto. It provided that the Mayor should not be a member, or preside at any of the meetings, or appoint any of the committees, of the Board of Aldermen or the School Committee.

Taken in connection with perfecting amendments¹ subsequently passed, this act amounted to a new charter, under which a single officer was annually chosen by the legal voters of the city, and in his hands was placed the entire charge and responsibility for the proper conduct of all the executive business of the city. Other legislation of the

¹ Particularly the following: St. 1890, ch. 418, regulating the status of subordinate employees, and the execution of public works (see p. 80); St. 1891, ch. 206, which practically gives the mayor an absolute veto over loan bills; St. 1891, ch. 323, and 1892, ch. 418, which makes the mayor's signature necessary for all streets laid out by the Board of Survey and Board of Street Commissioners; St. 1892, ch. 213, relating to the water-works; St. 1893, ch. 192, relating to loans; and St. 1893, ch. 261, relating to transfers of appropriations.

same year limited the rate of taxation for municipal purposes, as well as the amount of indebtedness,¹ while the civil service rules for the selection of the subordinate employees of the city went into effect that year.²

Since 1885, therefore, we have been living under a form of government which is entirely different from that which preceded, and is a more consistent application of the theory of executive responsibility than can be found in the organic law of any other large city in this country.³

A distrust of municipal legislatures and of the capacity of their committees to conduct the executive business of a city government has been the chief feature of municipal development in this country during the past thirty years. The tendency to substitute the "one-man power" of the Mayor for the unwieldy and irresponsible machinery of the City Council and its committees has been deprecated by some as contrary to European precedents; and it has been denounced by others as un-American and un-democratic. It must be conceded that the common argument that as most of the city's work is executive in character, it should for that reason be vested in an executive officer, is refuted by the experience of foreign cities, most of which are admittedly well-governed under the committee system. The concentration of executive power in the Mayor's hands is to be defended, not so much on business, as on political grounds. The legislative system works well enough in the cities of Europe where the property-owners are in control, but it has worked very badly in the larger cities of this country under universal suffrage. As the voting list expands and the membership of the City Council increases, it has been found more and more difficult to elect a body that in its committee work represents with any approach to fidelity the desires of the

¹ St. 1885, ch. 178.

² St. 1884, ch. 320.

³ The reform charter of the city of Brooklyn was probably the nearest approximation to this idea prior to 1885, but it gave the Mayor no absolute power of removal, and was otherwise a much weaker act. In New York the Mayor has no power of removal.

citizens as a whole respecting the conduct of executive work.¹

¹ The following tables show the change that has gradually taken place in the composition of the legislative branch of the City Government.

Board of Aldermen.

YEAR.	Total Number Members.	Number Assessed on Property.	Percentage Assessed on Property.	Total Valuation of the City.	Amounts Assessed to Aldermen.	Percentage of Total Value Assessed to Aldermen.
1822	8	8	100.00	\$42,140,200	\$146,100	.00347
1830	8	8	100.00	59,586,000	99,400	.00167
1840	8	8	100.00	94,581,600	168,800	.00178
1850	8	8	100.00	180,000,500	261,800	.00145
1860	12	12	100.00	276,861,000	622,900	.00225
1870	12	12	100.00	584,089,400	476,200	.00081
1875	12	12	100.00	793,961,895	769,600	.00097
1880	13	11	84.61	639,462,495	197,900	.00031
1885	12	7	58.33	685,579,072	457,900	.000667
1890	12	8	66.66	822,041,800	206,200	.00025
1895	12	9	75.00	1,928,109,042	1,105,500	

¹ Figures for 1894.

Common Council.

YEAR.	Total Number Members.	Number Assessed on Property.	Percentage Assessed on Property.	Total Valuation of the City.	Amounts Assessed to Councilmen.	Percentage of Total Value Assessed to Councilmen.
1822	48	45	93.75	\$42,140,200	\$840,300	.01994
1830	49	38	77.55	59,586,000	228,300	.00383
1840	48	40	83.33	94,581,600	204,400	.00216
1850	48	36	75.00	180,000,500	225,850	.00125
1860	48	41	85.41	276,861,000	1,116,400	.00403
1870	64	56	87.50	584,089,400	1,050,900	.00180
1875	74	61	82.43	793,961,895	1,530,800	.00192
1880	75	42	56.00	639,462,495	667,000	.00143
1885	72	29	40.55	685,579,072	290,300	.00042
1890	73	20	27.39	822,041,800	315,700	.00038
1895	75	16	21.33	1,928,109,042	1,266,500	

¹ Figures for 1894.

These tables show the gradual diminution in the representation secured by the property-owners of the city in the legislative branches of the government, and may be summed up in the statement that whereas during the first fifty years of our municipal history from 85 to 95 per cent. of the representatives elected by the people to the City Council were themselves owners of property, the proportion to-day has fallen to less than 30 per cent.

The voters of the city who pay a property tax secure as large a representation in the City Council as they are numerically entitled to, for they constitute only about twenty per cent. of the total number of registered voters (see Appendix, Table 3); but it cannot be doubted that the people as a whole still prefer that those who have

When the public business becomes voluminous and difficult, our municipal legislatures tend to degenerate into irresponsible debating societies; they represent local and special interests rather than the public interest as a whole; their committees are still further removed from responsibility to the public; and the results are inefficiency, extravagance, and a complete failure to administer the business of the city as the people on the whole desire. Under these circumstances the executive powers of the government have in many of our cities been transferred to the Mayor as that member of the City Government nearest and most responsible to the people. The Mayor, unlike the members of the City Council, cannot shield himself behind a committee report or a majority vote; he is less open to influence by the organized private and special interests of the city, because he is elected by the people as a whole and must account to them; and his control makes the government more truly democratic by bringing it closer to the people, and by making it more responsive to the popular will. Thus we turn to a form of government more democratic both in fact and theory. In a pure democracy there is no room for representative institutions; and although government by direct popular vote has failed whenever tried in populous communities, it should be remembered that government by committees of an elective body is not democracy in the true and original sense. The new system is in theory more democratic than the legislative committee system, and is moreover a distinctly American idea; for a strong and independent Executive is that feature of the political institutions of this country which distinguishes them most completely from the parliamentary form of government common in European States.

In practice the plan has, I think, worked well; immeas-

a sufficient direct interest in the tax levy to make them conservative in expenditure should have a larger share in the City Government than at present. By property-owners is meant those who are assessed a tax on real or personal estate. There are also, of course, many voters who are interested in property assessed to others.

urably better, at least, than the old one.¹ It has brought about better results in the separate departments; it has secured a closer coöperation between them; and it has rendered easier the practice of economy. It imposes great labor on the Mayor, and it makes him literally responsible in the eyes of the people for everything that goes wrong, even in respect to matters over which he has no control; but, on the other hand, the honors and opportunities of the office are co-equal with its difficulties.

The doctrine of executive responsibility and control is therefore democratic in theory, American in origin, and successful in practice. The American people may claim to have practically invented two new and distinct forms of municipal government: the town meeting; and the city charter, in which all executive power is reposed in the Mayor. The former has been a successful feature of our political institutions for two centuries and a half; the latter is but a few years old, it is still on trial, and capable of development and improvement.²

¹ It was from the outset bitterly antagonized by the City Council, and not until 1891 did the legislative branch thoroughly accept the limitations on its power imposed in 1885. Since 1891 there has been little question, even in the City Council, of the wisdom of the change.

² See suggestions in Chapter 1.

CHAPTER 20.

THE PROBLEM OF CITY GOVERNMENT.

While we have changed, and as we think improved, the form and organization of our municipal government, it must not be inferred that the inherent difficulties of the problem have been lessened or removed. It has been made easier to handle them; but the difficulties still remain, and are increasing rather than diminishing.

The corruption about which we hear so much — though fortunately not in Boston — is the least of these difficulties. So far as my observation and information go, the government of this city has always been comparatively free from the suspicion of jobbery and fraud. Instances of corruption may be pointed out; but its detection and prevention ought not to be difficult in a city where the legislative body has nothing to do with executive work; and as a matter of fact the City Government of Boston has always been relatively free from this particular evil.

The difficulty here is not Corruption, but Expenditure.

There can be no doubt that our American cities as a whole spend more money than is required for the government of European cities of equal size;¹ and Boston has

¹ It also cannot be denied, that in the two particulars of street service and police work most of the foreign cities — especially those on the continent of Europe — are more efficiently administered than ours; but it should not be forgotten that the continental police system is wholly foreign to our institutions, and that no English-speaking people would ever give to any police force the extensive powers which enable the foreign police to accomplish so much. Street cleaning is largely a question of labor, and as labor can be secured in European cities for from a quarter to a half of what is paid by American cities, it is of course proportionately easier to get good results in this branch of municipal service. In everything that relates to schools, hospitals, pauper institutions, and, of late years, parks, it cannot fairly be claimed, I believe, that our American cities as a whole are behind those of the Old Country. Finally, in some respects the cities of this country are generally much better equipped; namely, in water supply, drainage, and popular libraries. On the other hand, a perfectly clear case can be made out that our cities spend very much more money than European cities of similar size.

apparently led them all in this respect, having probably for the last forty years expended more money on public account in proportion to the population than any other city in the world.¹

Some of the causes of this excessive expenditure have been already pointed out.² We cannot supply this community with pure water, wide streets, and good drainage, except at great cost. The city cannot pay higher salaries and wages than private employers; it cannot operate its water-works and ferries at less than cost; it cannot maintain a school system more elaborate than any to be found elsewhere; it cannot provide every suburban village within the municipal limits with school-houses, fire-engine houses, and police-stations;³ it cannot build streets and sewers for the benefit of speculative land-owners; — it cannot do all these things, or any of them, without an inordinate annual expenditure and a correspondingly heavy tax rate.

The real difficulty to contend with is the demand of individuals, interests, classes, sections, and sometimes of the whole community, for extravagant expenditure; and this difficulty is constantly increasing as the belief gains ground that the community in its corporate capacity owes a liberal living to its individual members. A gradual change has come over the spirit of the people; and a large part of a population once the most independent and self-reliant in the world is now clamoring for support, as individuals or in classes, from the governments of this country, — federal, state, and city. These symptoms, however, are not local; they may be more prominent here than in other cities, but they exist everywhere. They constitute the chief danger of popular government, and a danger that will be greater before it is less: the demand for a systematic distribution of wealth by taxes.

¹ See Chapter 3.

² Chapters 3 and 5.

³ The outlying wards contribute in taxes collected from real and personal estate from one-third to one-half only of the amount annually expended from the city treasury in those wards.

The remedies suggested for the evils of city government as conducted in this country are innumerable.

Confining comment to those most frequently proposed, we have in the first place the proposition to restrict the suffrage for municipal purposes to those who have a direct property interest in the government, through the payment of taxes on real or personal estate.¹ Such a reform is, in my opinion, impracticable; it is wholly unlikely that any Legislature could be induced to disfranchise four-fifths of the voters of this city; and if this was once done, it would not last five years.² Our political institutions are founded upon the theory that those who have the physical power shall have the legal right, — that is, on universal manhood suffrage;³ and on that principle they must stand or fall. As I have not hesitated to point out some of the bad results of universal suffrage in municipal affairs, so I desire to record my opposition to all efforts to abolish or restrict it. If the American people cannot in time solve the problem of city government on the basis of universal suffrage, then democracy itself is a failure.

On the other hand, to extend the suffrage by admitting to it women, would be not only to depart from the true theory of universal suffrage, but would reduce still further the percentage of property-owners to the total number of voters; it would more than double the already large majority of non-property owning voters; and it would introduce considerations into the government, the certain tendency of which would be a further and unnecessary increase in expenditure. The result of the limited experience that this city has had with woman suffrage has not been such as to lead thoughtful people to look upon its extension otherwise than with fear.⁴

¹ Recommended twenty years ago by a commission of the State of New York, appointed by Governor Tilden, and since then by many earnest students of municipal affairs.

² The burden of taxation, although felt more directly by those who pay it in the first place, is yet in the end distributed in rent and prices throughout the whole community; and it seems no harder a task to convince the people of this fact than to abolish manhood suffrage.

³ All property qualifications were abolished in 1821, and the payment of a poll tax ceased to be a prerequisite to the right to vote in 1892.

⁴ Statute 1884, chap. 298, passed at the instance of a few women who desired to

In opposing the extension of the franchise to women I do not wish to be understood as failing to recognize their capacity as individuals for public work. On the contrary, I have had frequent opportunities for observing the excellent work accomplished by the ladies who have served the city on the School Committee, the Overseers of the Poor, and the Board of Visitors for the Public Institutions; and those appointed by me to positions upon the two last-named Boards were the first to receive an executive appointment from any Mayor of Boston. The dilution of the suffrage by means of the addition of all women to the voting list is a wholly different proposition from the capacity of individual women for public work. Woman suffrage has been a conspicuous failure to the limited extent that it has been already tried in this community, and every consideration tends to show that general or municipal suffrage for women could not fail to be attended with the most disastrous results under conditions such as obtain in all populous communities.

"Non-partisanship" in city politics is a common remedy, and on the face of things most plausible, as no real reason can be assigned why municipal elections should turn on considerations of national party politics; but it has not been found possible in the larger cities of the country to maintain for any length of time "citizens'" movements, although occasionally one proves successful. There is, moreover, one possible result of abolishing the party system which seems to be lost sight of by the advocates of non-partisan reform: the division of the people in municipal elections on class and social lines. As a city is a political institution, the people in the end will divide into parties; and it would seem extremely doubtful whether the present system, however illogical its foundation be, does not in fact produce better results, at

take an intelligent part in public affairs, has been used almost exclusively as a weapon in an anti-Catholic agitation, kept up, principally by its means, for the benefit of sensational preachers. The influence of the women who started the school suffrage movement has been lost in the flood of votes cast by other women in ignorance and prejudice, it being estimated that nine-tenths of the women voters at the city election follow the "Committee of One Hundred" and other anti-Catholic societies.

least in large cities, than if the voters were divided into groups separated by property, social, or religious bounds. The evils of such division can be read in the history of the cities of Greece, and if, as many people think, similar dangers confront the municipal democracies of the twentieth century, we should be slow to hasten their advent by a deliberate abandonment of the present system. These remarks apply to partisanship in elections rather than to partisanship in administration. The business of the city can, with relatively insignificant qualifications, be conducted without regard to party politics even under the party system. Ninety-nine per cent. of all the questions that come before the City Council and the executive departments are questions of expenditure; there are practically no divisions of the City Council on party lines; and the contest in almost every case is between extravagance and economy, between expenditure and retrenchment, not between Democrats and Republicans. The present system of party nominations makes the successful party responsible for a bad, inefficient, or extravagant administration; and conversely a successful administration enures to the credit of the party responsible for it; but except in the matter of appointments to office partisanship in administration is no part of the system, and even with respect to appointments the doctrine of partisan proscription has never obtained in this city. Nominations for Mayor of Boston have been made by the principal political parties from the beginning;¹ but, as already pointed out (pp. 13 and 120) partisan changes in the heads of departments have been relatively infrequent, even since the power of appointment was lodged in the Mayor. The much-decried system of party responsibility has some merits regarded from the practical standpoint of results; and it may well be doubted whether the

¹ In the seventy-three city elections held since 1822 the Federalist candidates were successful ten times, the National Republicans twice, the Whigs seventeen times, the Native American candidates three times, the Republicans thirteen times, various "citizens'" candidates six times, while the Democrats have carried the city in twenty-two elections.

substitution of social groups for national parties would in the end benefit the people.

The same objection applies to minority representation: that it invites the voters to divide into classes and to carry the differences of social and pecuniary conditions into city politics. Majority or plurality rule may not be fair to all interests involved; but the question is not so much whether the special interests of the community secure that representation in the government to which they are numerically entitled, as whether they ought to have any representation at all. The rule of the majority, like every other political device, is open to criticism; but after all it secures a government that more than half the people have voted for, and not a compromise between the interests of special classes. It is a principle that should not be unthinkingly abandoned.

The "initiative" and "referendum," the latest political importations from foreign parts, are nothing but devices for the abolition of representative government. We may concede that representative institutions are not adapted to the proper conduct of executive work; but the Swiss initiative is a scheme to destroy the legislative power of representative governments.¹

The theory that the affairs of a city should be managed like those of an ordinary business corporation is attractive and widespread; but it is founded on the fallacy of supposing that a municipality is a business corporation; and its advocates are generally driven to support a limitation of the suffrage. While the modern city is technically a corporation, its constitution, machinery, and objects are wholly different from those of private companies. It is not controlled by a limited number of stockholders casting votes propor-

¹ The submission in the discretion of the Legislature of important local measures to popular vote is properly frequent here; but the Swiss law for the compulsory submission upon request of bills passed by the Legislature, and of other bills that the Legislature will not pass, is the complete annihilation of representative government. The best-informed critics agree that this system is, as might be supposed, leading the people of Switzerland straight to socialism.

tionate to their holdings, but by a great number of people, each with a single vote, most of whom have no direct property interest in it. Its officers are elected, not in the sober quiet of a corporation meeting, but in the heat of a political campaign. Its object is not to make a pecuniary profit for its members, but to provide for their safety, health, and comfort, their education and pleasure, to relieve their poor and help their sick, and generally to do things that no business corporation was ever chartered to accomplish. The chief similarity between a business and a municipal corporation is in respect to those undertakings which are also carried on by private corporations for profit; that is, water-works, ferries, gas-works, etc.; but in all the other branches of government the distinctive feature of a private corporation, organization for the pecuniary profit of its members, is absolutely wanting. Municipal corporations are organized not to make money, but to spend it; their object is government, not profit. They are by statute law in Massachusetts "bodies politic;"¹ the "main purpose of their organization is political," and they "differ distinctively and widely from private and moneyed corporations both in organization, government, and action."² At the beginning of municipal life, as we understand it, the city was not only a political society, it was the State itself; and in all the true municipal democracies the world has ever seen "the people are the city." It is idle to point to the cities of modern Germany as illustrations of the fact that a municipal corporation can be managed on strictly business principles, for there the property-owners control the suffrage; nor to France, for there a large part of the local business is transacted by the national government; nor to England, for in that country the suffrage is not yet equal, free, and universal, and the people have not yet learned their opportunities and power. A city government founded on democratic self-governing principles was, is, and ever will be a political and not a business corporation; and it is only

¹ St. 1785, ch. 75, § 8; and see Boston charter, St. 1821, ch. 110, § 1.

² *Linchan v. Cambridge*, 109 Mass. 212.

through a comprehension of this fundamental fact that a correct understanding can be reached of the phenomena of municipal life in the United States.¹

The path of municipal reform seems to lie, not in radical changes in the suffrage, nor in the overthrow of representative institutions, but along the more prosaic lines of conservative experiment.² Much has been accomplished for the reform of our American cities during the present generation; but the vital difficulty still remains — the difficulty of practising economy in the face of the fact that a large portion of the people do not want economy; that another large portion insist upon expenditure as an indirect means of equalizing conditions; and of the fact that those who do not pay anything directly to the support of the government are in an immense and constantly increasing majority.

There is no reason to anticipate failure if we restrict our efforts to the development and application to city government of that theory of limited democracy which is the special invention and political property of the American people. Nothing but failure is to be apprehended from attempts to convert our municipal institutions into a training school for socialism. The American Idea rests upon a wider suffrage than ever obtained in the most absolute democracies of Greece, but it is hedged and limited by legislatures, courts, and constitutions, so as to make the federal democracy of the United States the most truly conservative form of government on earth to-day. Our democracy is Greek in name, but in substance it is not Greek,³ or French, or Swiss: it is

¹ "An American city is more thoroughly a Commonwealth; it has more of the feelings of a Commonwealth than an English city has." — *Freeman*. The elder Quincy spoke of Boston as a "young republic" in 1824.

² Such as a reduction in the number of elective officers; the substitution of a single legislative branch for the dual system; the abolition of the district system of representation; the concentration of executive business in the Mayor; fewer departments; longer terms of office; the civil service rules; and the limitation of indebtedness.

³ The Greek idea was a government with absolute powers, exercised directly by the people, — a pure democracy; the American idea is a government with limited powers, prescribed in written constitutions, and exercised by representatives of the people, and divided into national, State, and town or city governments, — a limited federal democracy. On the other hand, owing to the existence of slavery in Greece the basis of suffrage there was much narrower than with us at present.

American. Let us leave it so, and we shall retain a form of government that cannot be hurried into those popular excesses that ruined the cities of Greece, or into that Chinese stagnation which threatens the socialistic city of the future. Let us aim to remain a body of self-respecting, self-supporting American citizens, and not permit ourselves to be transformed into a pauperized community of nationalists and socialists. We must rely on the American genius to solve the problem of democratic city government: not by sudden or revolutionary reforms; not through methods thrust by socialistic agitation upon communities, like some in Switzerland, which have lost the virility to resist; but by slow degrees in the Anglo-American way, in which all our political institutions have been developed. A certain inefficiency, a certain waste, must be conceded as part of the price we must pay for the blessings of free institutions; and success cannot be attained without the most thoughtful study and unceasing vigilance and effort; but there ought to be no doubt of the ultimate capacity of the American people to work this problem out, as they have so many others.¹

¹ In connection with the foregoing remarks I may be permitted to reprint the closing portion of an address delivered on February 27, 1892, before the students of the Phillips Academy at Exeter, N.H.:

"The great questions of State and national politics make more interesting subjects for popular discussion than the dry details of municipal administration; but, after all, the questions that will touch you oftenest and closest in your personal relations are questions of municipal rather than of State or national government. Out of \$190 contributed by the individual in direct taxation to the various city, county, State, and national governments to which he owes allegiance, about 80 per cent. goes to the town or city, while the entire burden of the remaining county, State, and national taxes amounts to only 20 per cent.; and in respect to debt, his personal share of his town or city debt is nearly ten times as great as his proportion of the national and State debts.

"In other words, so far as your immediate pecuniary interests are concerned, based on the amount you pay in taxes, more than three-fourths of the time and attention you can afford to devote to public business should be bestowed upon the town or city where you live. However much you may be attracted while pursuing your studies here or in college or in after years to the political and economic problems growing out of State and national affairs, you will do well to recollect that the main interest of the citizen is at home, and that it is of as much consequence to him that his town or city affairs should be honestly and economically administered as that this or that policy should prevail in State affairs, or this or that party succeed in national politics.

"You will find also that there is far more room for discoveries and improvements in the field of municipal administration than in the broader, but simpler, domain of national life. The fundamental questions that divide parties in State and nation are, except

in times of crisis or unusual excitement, very much the same from year to year and from generation to generation; they are few in number and easy to understand, and whether one side or the other for the time being prevails is, after all, of little moment in comparison with what is or might be done in working out the true theory and practice of municipal government.

"Another reason why the youth of the community — particularly that portion of it which is receiving the benefit of a liberal education — should be urged to devote their attention, when they have finished the preparatory period of life, to the problems of city government, is the little success that has been achieved, in this country at least, in the solution of these problems. The town government is, perhaps, as good a working plan for managing small communities as has ever been devised, and can probably be very little improved; the federal system of our national government, which has stood the strain of over a century, is as strong in the hearts of the people and the respect of the world as it was at the beginning; but no one would claim that the people of this country had, on the whole, or in any particular instance, yet devised an economical and efficient system for the government of great cities. Without asserting or believing that municipal government in this country is, as our enemies have claimed, a disgrace to us and a condemnation of democracy, we must, nevertheless, admit that the general theory of our institutions, as applied to great cities, has not worked so well as in the larger, but simpler, fields of State and nation. Progress is undoubtedly being made, and I think it cannot be denied that the large cities of our country are on the whole better governed to-day — that is to say, that larger results are produced for the same expenditure of money — than twenty years ago; but it is true, I think, that by far the greater part of the work of improvement and reform is still to come. Thus municipal reform offers a practically limitless field for the activities and intelligence of those of our citizens who have the time, the training, and the inclination to devote themselves to the solution of public problems.

"In approaching this subject you will be confronted with many plausible and apparently simple remedies. You will be told, for instance, that that government is best which is best administered, and that the whole secret consists in electing honorable and capable men to office. This proposition, though certainly true to the extent that no system can be made to work well unless administered by honest and capable officials, fails completely, when the system itself is wrong; and when you find, as you will by comparing almost any American city with a city of corresponding size in foreign countries, that the public services and facilities afforded by European cities are much greater in proportion to the amount expended than anywhere in this country, however capable and honest the city government for the time being may be, you can safely assume that the fault lies with the system rather than with the character of the men who are elected to office. You will be told that the true solution of the problem is to eradicate all politics from city government, and to treat a municipal as you would a private corporation, managing the one precisely as the other; and in support of this idea you will be informed of the excellent results accomplished in many of the cities of continental Europe. Persons who advocate this theory will, however, omit to tell you that the basis of every political structure in this country, from the town to the federal government at Washington, is universal local suffrage; while in the cities of continental Europe, to which your attention and admiration are directed, a large part of the local business is controlled and administered by a centralized national government, and the remainder regulated by a suffrage based on property rather than on polls. In the city of Berlin, for instance, which we can freely admit to be one of the best-governed municipalities in the world, two-thirds of the city council are elected by a very small percentage of the voting population; for while every citizen has, I believe, a vote, the electors are divided into classes in such manner that the voting power of each is practically

proportionate to his means. It is easy to see how under such a system the city government can be managed as if it were a private corporation, where, also, the influence of the individual stockholder is proportionate to the amount of his financial interest in the company.

"We are told that a city should be regarded as a business corporation rather than as a political organization; but this advice, again, presupposes a condition of things which does not exist in the United States. Those who tender this advice as a ready and complete remedy for the admitted defects of municipal government in this country forget, I think, the history of democracy in its application to large municipal communities. They look to the modern instances of Berlin and Paris and other foreign cities, where the results are admittedly worthy of consideration; but they overlook the fact that those results are obtained by a sacrifice of the principle of local government and the right of equal manhood suffrage. They do not recall the fact that from the earliest times the government of cities has been a difficult and oftentimes an impossible task, wherever democratic theories have prevailed. The city as we know it had, like almost every other institution that flourishes to-day, its origin in ancient Greece; and the conditions obtaining there, so far as the qualifications for suffrage and the temper of the people are concerned, were more similar to those which exist to-day in this country than anything to be found in the cities of continental Europe. I fancy, however, that no one would seriously point to the history of the Greek cities as furnishing examples of government on business principles. No city in this country can be mentioned that permits anything like as much politics—unwholesome, demagogic, and destructive politics—to enter into the administration of its affairs as was the case in Athens, the greatest of the Greek democracies. By politics I do not mean so much the mere struggle for party supremacy that plays so large a part in the political life of this country, but that tendency to decide questions of municipal policy on social and sentimental rather than on business considerations. Political and social agitation was the life of the Greek city, and finally proved its death; and how many people realize that from the destruction of the Greek republics to the great migration into cities which began in this country less than 100 years ago, history does not furnish us with successful instances of the governing of large municipal communities on truly democratic principles.

"We are working out a problem that has received no attention from the educated intelligence of mankind since the days of classic Greece—the problem of self-government on democratic principles for great bodies of people congregated together in a single neighborhood, and without the controlling power of a superior central government. We should face this problem squarely, with no hesitation, on the one hand, to admit that better and more economical results are being obtained to-day in foreign cities under wholly different systems, but with a determination to do as well ourselves, or even better, without abandoning those fundamental principles of government which are the historic property of the nation. No one should despair of eventual success, or give the problem up as hopeless, because of the difficulties that surround it or the little progress that has hitherto been made. When this republic was founded, it was based upon a new and untried application of democracy. Recalling the fact that all previous attempts at governing nations on democratic principles had failed, through the tendency in such communities to attempt too much in the way of government, the men who created this republic invented a new kind of democracy. They worked out a plan which gave to every citizen a share—and an equal share—in the government of his country, but which rigorously limited the functions and attributes of government to the narrowest limits consistent with national unity and power. This system, with its sharp lines between the powers of the federal government and those of the several States, has been the only permanently successful application of democracy to the government of great nations that the world has witnessed; and it now remains for the descendants of the men who worked out this system to exercise

their ingenuity and industry and patriotism in devising plans for the application of democracy to the great, unsolved problem of the government of cities. I am confident that our people are as able to devise a successful democratic plan for governing cities as they were to invent and establish a democratic republic for the country at large. The main reliance of the people in this endeavor will now, as then, be the educated intelligence of the country; and I wish to impress upon you, as scholars and as citizens, that the greatest of all duties that will devolve upon you, when you leave the academy or the college and enter into active life, will be to take an intelligent, personal and perpetual interest in the management of the city where you live. You will derive valuable information for purposes of comparison from visiting other cities and studying their methods; but the details of municipal government are generally so intricate that no adequate comprehension of the difficulties of the case can be formed without keeping a close and personal watch upon the management of your own city government. If the opportunity presents itself to enter city politics and become yourself a member of the city council, do not hesitate to seize it. To accomplish this end, you will generally find it necessary to ally yourself with one party or the other; but you should always bear in mind that the only justification for party politics in municipal business is the opportunity thus afforded to serve your city faithfully, and sometimes to accomplish great results."

CONCLUSION.

Gentlemen of the City Council :

The main objects which I have tried to keep in view during the past four years have been to simplify the organization and machinery of the government; to systematize the books and accounts of the various departments; to secure a more efficient coöperation between the different departments; to reduce the cost and increase the value of our public works by the introduction of business methods in all that relates to the purchase of materials, the letting of contracts, and the building operations of the city; to secure such legislation as seemed from time to time to be necessary; to defend the city treasury against hostile attack; to maintain a conservative management of the city finances; to keep the current expenses of the government within its current income; to use the public credit only for improvements of general and admitted utility; to improve the sanitary condition of the city; to provide better accommodations and treatment for the sick, the poor, and the insane; to procure better streets and pavements; to provide new school-houses and other public buildings; to complete the parks; to readjust upon a fairer basis the relations between the city and the private corporations enjoying privileges in the streets; and to facilitate travel and rapid transit through the city.

In a city where the people are accustomed more than in other cities of this country to rely on the municipal corporation rather than on private enterprise for the development of its material interests; with a system of taxation under which every person with land to develop and improve is invited to secure the means to do so out of the public treasury; in a community burdened with elections so frequent

as to create a condition of perpetual politics ; with State and municipal legislatures, many of whose members spend their time in attacking the financial interests of the city ; — the efficient and economical government of a city, where individuals, sections, classes are continually clamoring, with the assistance of the press (in the news columns, if not on the editorial page), for things that either cannot or ought not to be done, and where the head of the government is theoretically responsible for everything that is done or is not done, is a task of enormous difficulty, and one that is capable of imperfect execution only.

The leading thought which I have endeavored to keep in mind during the administration of the past four years has been that the Mayor should, as contemplated by the charter amendments of 1885, take into his hands a larger share of direction and responsibility than had previously been the case, and thus become more directly accountable to the people for the administration of their affairs. Promising in my first letter of acceptance to literally and in person fulfil the obligations imposed by the city charter, I have endeavored to do my part in the administration of the city government upon this theory, and not to magnify the office beyond the express injunctions of the city charter. I am conscious of innumerable omissions, shortcomings, and mistakes. I know that many things have been left undone for lack of time ; and that some things could have been done differently, and some much better. I trust, however, that the administrative and financial methods which have been introduced during these four years may prove a lasting benefit to the city, and tend to make its government easier for those who are to come after me ; and that the work of the Board of Survey, the new radial thoroughfares, the Subway, and the Parks, — improvements that will change the face of Boston, — will serve to prepare our city for its metropolitan career.

In laying down the administration of this great trust I desire to express my gratitude and obligation to the citizens

of Boston who have so generously supported me at four successive elections, and to thank the members of the City Council, and the heads of departments, for the assistance received on innumerable occasions and in innumerable ways.

APPENDIX.

FINANCIAL TABLES

PREPARED AT VARIOUS TIMES BETWEEN 1891 AND 1894,
AND NOW BROUGHT DOWN TO DATE.

[FOR INDEX TO TABLES, SEE PP. 5-7.]

Table No. 1.
POLLS, POPULATION, VALUATION, AND TAX-RATE.

YEAR.	Rateable Male Polls.	Population.	VALUATION.		TAX-RATE.			
			Real Estate.	Personal Estate.	Total.	City.	County.	Total City and County.
1822	8,880	..	\$28,564,400	\$19,775,800	\$42,140,200	..	..	\$6 30
1823	9,855	..	25,367,000	19,529,800	44,896,800	..	..	7 00
1824	10,897	..	27,303,800	22,540,000	49,843,800	..	..	1 00
1825	11,660	58,277	30,992,000	21,450,600	52,442,600	..	..	7 50
1826	12,002	..	34,203,000	25,246,200	59,449,200	..	..	7 00
1827	12,442	..	36,061,400	29,797,000	65,858,400	..	..	7 00
1828	12,535	..	33,908,000	25,614,200	61,522,200	..	..	7 10
1829	13,495	..	34,953,800	24,104,200	61,058,000	..	..	7 10
1830	13,096	61,392	36,900,000	22,625,000	59,525,000	..	..	7 14
1831	13,618	..	37,675,000	23,023,200	60,698,200	..	..	7 32
1832	14,184	..	39,145,200	28,369,200	67,514,400	..	..	8 20
1833	14,899	..	40,966,400	29,510,800	70,477,200	..	..	8 50
1834	15,137	..	43,140,600	31,665,200	74,805,800	..	..	9 40
1835	16,188	78,003	47,552,600	31,789,800	79,302,600	..	..	9 70
1836	16,719	..	53,370,000	34,895,000	88,265,000	..	..	9 50
1837	17,182	..	56,311,600	33,272,200	89,583,800	..	..	10 00
1838	15,615	..	57,372,400	32,839,200	90,231,600	..	..	9 80
1839	16,561	..	58,577,800	33,248,600	91,826,400	..	..	11 30
1840	17,696	93,383	60,424,200	34,157,400	94,581,600	..	..	11 00
1841	18,915	..	61,963,000	36,048,600	98,016,600	..	..	12 00
1842*	19,656	..	63,490,900	41,223,800	106,723,700	..	..	12 00
1843	20,063	..	67,678,400	42,372,600	110,046,000	..	..	5 70
1844	22,339	..	72,048,000	45,402,300	118,450,300	..	..	6 20
1845	24,287	114,366	81,991,400	53,957,300	135,948,700	..	..	6 20
1846	25,974	..	90,119,600	58,720,000	148,839,600	..	..	5 82
1847	27,008	..	97,164,900	64,595,900	162,360,400	..	..	6 00
1848	27,726	..	100,403,200	67,324,800	167,728,000	..	..	6 50
1849	28,363	..	102,827,500	71,352,700	174,180,200	..	..	6 50
1850	28,018	136,881	105,093,400	74,907,100	180,000,500	..	..	6 80
1851	28,445	..	108,358,500	78,588,500	187,347,000	..	..	7 00
1852	28,983	..	108,358,500	78,588,500	187,347,000	..	..	7 00
1853	29,939	..	116,090,900	76,980,800	193,071,700	..	..	7 40
1854	31,130	..	127,730,200	96,423,300	206,514,200	..	..	7 10
		..		99,283,000	227,013,200	..	..	8 75
		..				..	..	0 45
		..				..	..	0 50
		..				..	..	7 60
		..				..	..	9 20

1855.	160,490	136,351,300	105,580,900	241,932,200	7 08	0 62	7 70
1856	31,602	143,681,700	105,480,500	249,162,500	7 20	0 80	8 00
1857	32,974	149,713,800	108,398,100	258,111,900	8 16	1 16	9 80
1858	33,162	153,505,300	101,208,800	254,714,100	8 16	0 44	8 60
1859	33,406	158,410,900	105,018,100	263,429,000	9 32	0 38	9 30
1860	34,449	163,891,900	112,969,700	276,861,000	8 99	0 31	9 30
1861	35,161	167,682,100	108,078,000	276,760,100	8 55	0 35	8 90
1862	34,159	163,683,000	112,573,000	276,217,000	8 41	2 09	10 50
1863	33,618	169,624,500	132,882,700	302,507,200	8 94	2 09	10 50
1864	32,832	182,072,300	150,377,600	332,449,900	10 95	2 35	11 50
1865	34,704	201,628,900	170,263,875	371,892,775	10 36	4 44	13 30
1866	34,192	225,767,215	189,595,130	415,362,345	11 36	2 45	15 00
1867	35,772	250,587,700	194,338,400	444,946,100	11 53	3 54	15 50
1868	2,48,416	287,635,800	205,937,900	493,573,700	10 79	1 51	12 30
1869	51,195	322,031,900	217,469,700	549,511,600	11 99	1 71	13 70
1870	56,526	355,593,100	218,496,300	581,089,400	13 63	1 65	15 30
1871	61,148	395,214,950	217,448,600	612,653,550	11 53	1 97	13 10
1872	67,221	443,283,450	239,440,850	632,754,300	10 89	1 11	11 70
1873	70,199	470,086,200	223,745,200	693,831,400	11 57	1 23	12 80
1874	84,684	554,200,150	244,554,900	798,755,050	14 56	1 04	15 60
1875	85,086	557,941,000	235,020,895	793,961,895	12 66	1 04	13 70
1876	81,364	526,157,900	222,838,370	748,996,210	11 68	1 02	12 70
1877	86,007	481,407,200	205,433,376	686,840,586	12 17	0 93	13 10
1878	85,913	440,375,900	190,076,966	630,446,866	12 13	0 87	12 80
1879	89,452	428,777,000	184,575,692	613,322,692	12 30	0 20	12 50
1880	93,769	437,370,100	202,092,395	639,462,495	14 07	0 27	14 34
1881	99,407	455,388,600	210,165,997	665,554,597	12 84	0 25	13 00
1882	102,594	467,704,150	204,793,812	672,497,952	13 69	0 29	13 98
1883	107,286	478,318,900	204,113,771	682,432,671	13 50	0 28	13 78
1884	110,481	488,130,600	194,526,058	682,656,658	15 71	0 29	16 00
1885	112,104	495,973,400	190,005,672	685,579,072	11 82	0 27	12 09
1886	112,446	517,503,275	193,118,060	710,621,335	11 65	0 40	12 03
1887	115,063	547,171,175	200,471,342	717,642,517	11 83	0 74	12 40
1888	120,529	563,043,275	201,439,273	764,452,548	11 69	0 74	12 43
1889	123,335	593,999,975	201,633,769	795,463,744	11 27	0 80	12 07
1890	125,906	619,990,275	202,051,525	822,041,800	11 76	0 85	12 61
1891	132,809	650,238,375	204,831,040	855,069,410	11 50	0 57	12 07
1892	136,375	680,279,875	213,695,824	893,975,704	11 50	0 77	12 27
1893	139,757	707,762,275	216,331,476	924,093,751	11 13	0 75	11 88
1894	139,789	723,743,850	204,365,192	938,109,042	11 24	0 81	12 05

* Previous to 1842 taxes were apportioned on a reduced, or one-half, valuation; but since that time the full valuation has been the basis of apportionment.

† From 1822 to 1842, inclusive, Poll-tax assessed on all males above 16 years of age.

‡ 1843, Poll-tax assessed on all males between 20 and 70 years of age.

§ 1844 and thereafter, Poll-tax assessed on all males above 20 years of age.

‡ Roxbury annexed.

§ Dorchester annexed.

§ Brighton, Charlestown, and West Roxbury annexed.

Table No. 2.
POPULATION BY DISTRICTS.

CENSUS.		All Boston.	Boston proper, settled, 1830.	Annexed Territory.	ANNEXATIONS.					West Roxbury, Jan. 5, 1874.	Brighton, Jan. 5, 1874.	Charlestown, Jan. 5, 1874.
YEARS.	Taken by —				East Boston, 1836.	The Islands.	South Boston, March 6, 1864.	Washing- ton Vil- lage, May 21, 1855.	Roxbury, Jan. 6, 1868.	Dorches- ter, Jan. 3, 1870.		
1838.	..	..	1 150	..	..	..	..	..	..	..	..	..
1875.	..	..	14,000	..	..	..	..	..	..	..	..	..
1898.	..	..	17,000	..	..	..	..	..	..	..	..	..
1704.	..	..	1 6,760	..	..	..	..	..	..	..	..	..
1720.	..	..	111,000	..	..	..	..	..	..	..	..	..
1722.	Town.	..	10,567	..	..	..	..	..	..	..	..	..
1742.	Town.	..	16,382	..	..	..	..	..	..	..	..	..
1752.	Town.	..	15,731	..	..	..	..	..	..	..	..	..
1765.	Colony.	..	15,520	..	..	..	..	..	..	..	..	..
1775.	Gen. Gage.	..	6,573	..	..	..	..	..	1,487	1,360	..	2,031
1778.	Colony.	..	2,719	..	..	..	..	..	1,433	1,513	..	360
1781.	Colony.	..	110,000	..	..	..	..	..	11,650	11,840	..	1,725
1784.	Colony.	..	115,870	..	..	..	..	..	12,150	12,060	..	1,340
1789.	Town.	..	117,880	..	..	..	..	..	..	..	..	..
1790.	United States.	18,220	18,038	282	..	282	..	..	2,226	1,722	..	1,583
1800.	United States.	24,937	24,653	282	..	1,282	..	..	2,765	2,347	..	2,751
1810.	United States.	33,787	32,896	891	18	519	354	..	3,669	2,930	608	4,959
1820.	United States.	43,298	..	..	..	..	..	..	4,135	3,684	702	6,591
1825.	City.	58,277	..	..	..	..	..	..	..	..	..	..
1830.	United States.	61,392	56,003	2,274	24	264	1,986	..	..	..	..	..
1835.	City.	78,603	..	..	..	..	..	..	5,247	4,074	972	8,783
1840.	United States.	93,383	85,475	7,908	607	344	5,595	..	..	..	..	..
1845.	City.	114,366	99,036	15,330	1,455	277	10,020	..	9,089	4,875	1,425	11,484
1850.	United States.	136,881	113,721	23,160	5,018	292	13,309	..	18,364	7,969	2,856	17,216
1855.	State.	160,490	126,296	34,194	15,438	325	18,309	21,319	18,469	8,340	4,812	28,965
1860.	United States.	177,840	133,563	44,277	18,356	1,530	24,921	..	25,137	9,769	3,375	25,065
1865.	State.	192,318	141,083	51,235	20,573	1,300	29,363	..	28,426	10,717	6,912	26,399
1870.	United States.	250,526	138,781	111,545	23,816	1,700	39,215	..	34,753	12,261	8,986	28,323
1875.	State.	341,919	140,669	201,250	27,420	1,97	54,117	..	50,429	13,788	11,783	33,558
1880.	United States.	362,839	147,075	215,764	28,381	1,343	56,369	..	57,123	14,082	6,693	33,731
1885.	State.	390,393	147,138	243,255	23,280	2,139	61,534	..	65,968	20,717	8,523	37,013
1890.	United States.	448,477	161,330	287,147	36,930	..	66,791	..	78,411	29,638	12,032	38,343

1 Estimated.

2 Included in South Boston after 1855.

3 Including Islands.

Table No. 3.

AREA, POPULATION, ASSESSED POLLS, REGISTERED VOTERS, AND PROPERTY-OWNING VOTERS BY WARDS.

WARD.	Area in Acres.	Population, Census of 1890.	Assessed Polls, 1893.	Registered Voters, State Election, 1893.	Property Owners registered at the State Election, 1893.
1	1,961	19,633	6,116	4,043	1,028
2	405	17,297	5,090	3,034	456
3	363	13,094	4,017	3,014	457
4	467	12,842	4,007	2,799	505
5	216	12,412	4,183	2,705	383
6	204	18,477	4,329	2,153	292
7	114	13,145	3,471	1,618	265
8	113	13,026	4,548	2,260	323
9	138	12,660	3,868	2,385	330
10	215	8,205	2,985	1,717	299
11	511	21,660	7,683	5,121	1,559
12	244	12,585	3,282	1,947	102
13	598	22,375	6,664	3,296	352
14	1,076	26,367	7,809	4,995	939
15	525	18,049	5,186	3,415	594
16	104	18,048	5,614	2,478	263
17	264	15,638	4,841	3,270	364
18	204	16,035	4,415	2,990	667
19	220	23,016	7,276	3,826	533
20	726	24,335	8,112	5,497	865
21	856	22,930	7,563	5,478	1,442
22	1,361	20,011	6,337	3,781	742
23	8,204	24,997	8,029	5,612	2,069
24	5,652	29,638	9,988	6,999	2,244
25	2,855	12,032	4,290	2,919	733
Total	27,596	448,477	139,703	87,352	17,778
Square miles	43.12				
Number of polls added by supplementary assessment up to the close of registration for State election.			4,735		17
			144,438	87,352	17,805

¹ This column gives the number of registered voters assessed a tax on real or personal estate.

Table No. 4.
PERCENTAGE OF TAXES ON PROPERTY AND
POLLS COLLECTED
(exclusive of Tax on Bank Stock).¹

	To Oct. 31. ²	To Nov. 30. ²	To Dec. 31. ²	To Jan. 31. ²
1875-76.....	29.54	59.00	65.38	83.77
1876-77.....	31.20	62.57	75.79	84.23
1877-78.....	32.02	64.00	76.46	85.71
1878-79.....	45.50	69.35	79.55	85.12
1879-80..	45.14	69.05	80.13	85.81
1880-81.....	42.68	71.64	80.92	86.87
1881-82.....	47.78	73.03	82.08	87.30
1882-83.....	44.49	70.79	79.87	86.64
1883-84.....	47.22	72.17	81.28	87.52
1884-85..	47.82	72.05	82.13	87.17
1885-86.....	56.87	76.45	84.69	88.46
1886-87.....	49.96	76.66	84.99	88.66
1887-88.....	46.55	74.47	83.73	87.82
1888-89.....	47.37	76.98	84.82	89.26
1889-90.....	51.84	77.11	83.52	88.71
1890-91.....	49.23	74.08	81.69	88.12
1891-92.....	51.41	74.96	83.18	88.88
1892-93.....	50.20	76.16	84.96	90.11
1893-94.....	46.81	73.78	82.45	88.10
1894-95.....	52.33	77.85	84.52	

¹ As the tax on bank stock is collected in its entirety, it is omitted from the table.

² Including moneys received that day.

TABLE NO. 5.

**REVENUES APPLICABLE TO THE GENERAL
APPROPRIATIONS, 1860-1 TO 1893-4.**

Table No. 5.

REVENUES APPLICABLE TO THE

	1860-61.	1861-62.	1862-63.	1863-64.	1864-65.
City Clerk Dept.	\$1,607 62	\$1,338 01	\$857 53	\$874 12	\$951 08
City Council :					
Incidental Expenses,	445 04	1,030 09	189 61	1,002 01	499 68
City Messenger Dept.					
Collecting Bank Tax ..					
Collecting Dept., or					
Tax and other Fees,					
Conscience Fund.					
Ferry Department.					
Fire Department	2,892 21	53 50	1,010 35		152 07
Hay Scales	21 26	23 52	37 32	32 29	19 70
Health Department. ..	105 00	2,749 50	561 26	2,612 37	1,871 00
Hospital Department. ..					3,000 00
Inspection Milk and					
Vinegar Dept.					
Interest and Premium .	70,128 47	55,247 20	56,486 77	141,398 25	109,962 65
Library Department ...	246 34	350 00	528 49	814 60	385 64
Market " ..	258 25	173 00	221 75	250 00	526 50
Overseeing of the Poor					
Department	2,455 31	3,060 26	2,161 55	2,487 58	6,866 74
Park Department.					
Pedlers					24 00
Police Department.	4,905 41	2,929 17	4,193 58	7,558 97	18,934 03
Public Bldgs. Dept. :					
Armories	3,600 00	3,600 00	3,600 00		
Miscellaneous	69 88	635 72	1,262 62	2,120 70	424 51
Public Institut'ns Dept.	30,087 93	28,841 10	27,814 16	32,563 14	38,848 25
Registry Department. ..	1,293 00	1,094 00	1,187 50	1,353 50	1,411 00
Rents	87,806 34	87,677 82	87,360 94	86,958 77	93,993 14
School Committee	9,762 08	6,916 81	6,948 00	9,823 28	11,275 06
Sealing of Weights and					
Measures Dept.				2,524 16	3,274 27
Street Department :					
Bridge Division ...				62 00	221 00
Camb'ge Bridges Div.					
Paving Division.	11,988 86	5,612 79	11,025 47	4,664 94	10,096 32
Sanitary "	14,803 34	12,818 75	11,932 02	13,253 84	20,147 31
Sewer "	16,660 87	10,247 57	9,992 25	9,880 39	6,735 36
Street-Cleaning Div.					
Watering Division. ..					
Street Laying out Dept.	2,355 92			4,112 59	79,806 63
Dog Fund	1,189 00	895 00	1,036 00	1,005 00	1,053 00
Militia Bounty	8,069 40		14,923 50		
Unclaimed Drafts.	2,089 66	1,094 54	1,677 97	2,937 56	1,012 24
Water-Works	372,290 67	380,568 61	400,808 36	434,254 61	463,910 91
Horse Railroads.		44 00			
Lamp Department.		38 75		33 66	
War Expenses		6 52		446 00	1,061 23
Salaries			22 50		
Advertising				31 25	
Public Grounds Dept. ..				1,039 58	1,241 15
Harbor Dredging.					
City of Roxbury					
Apple Island					
Church-st. District.					
Printing Department.					
Carried forward.	\$645,131 86	\$607,046 23	\$645,839 50	\$763,595 16	\$877,704 47

Table No. 5.—*Continued.*

GENERAL APPROPRIATIONS, 1860-1894.

1865-66.	1866-67.	1867-68.	1868-69.	1869-70.	
\$1,432 18	\$2,198 88	\$2,230 16	\$3,097 40	\$3,194 30	City Clerk Dept.
333 96	148 72	148 35		150 00	City Council :
					Incidental Expenses.
				1,709 20	City Messenger Dept.
					Collecting Bank Tax.
					Collecting Dept., or
					Tax and other Fees.
					Conscience Fund.
					Ferry Department.
176 02	818 79	844 12	1,114 50	1,729 83	Fire Department.
34 31	102 00	977 19	1,129 16	970 90	Hay Scales.
7,028 92	6,185 50	2,215 35			Health Department.
6,198 27	7,108 88	4,900 68	3,545 77	4,206 99	Hospital Department.
					Inspection Milk and
					Vinegar Dept.
90,502 70	161,233 81	175,929 81	141,735 07	125,048 91	Interest and Premium.
293 92	504 18	507 72	659 85	996 63	Library Department.
649 10	541 00	514 00	338 00	332 00	Market “
6,759 15	11,549 29	16,425 81	17,177 19	18,580 79	Overseeing of the Poor
					Department.
32 00	923 00	766 00	952 00	984 00	Park Department.
9,434 60	11,572 04	14,635 56	14,042 54	15,511 19	Peddlers.
12,373 78	11,814 45	11,580 80	11,150 00	10,561 78	Police Department.
4,060 79	8,443 37	5,046 64	4,147 08	9,651 48	Public Bldgs. Dept. :
56,477 88	73,152 22	76,001 64	95,834 24	511,731 18	Armories.
1,488 50	1,501 00	1,679 00	1,808 00	1,947 00	Miscellaneous.
94,363 47	106,317 26	114,809 66	119,102 00	119,205 70	Public Institut'ns Dept.
13,575 72	15,457 33	13,024 55	9,096 68	16,941 16	Registry Department.
3,539 16	3,500 64	3,521 38	2,576 48	2,714 25	Rents.
					School Committee.
					Sealing of Weights and
					Measures Dept.
					Street Department :
					Bridge Division.
3,824 94	2,896 75	4,083 56	9,104 91	13,047 82	Camb'ge Bridges Div.
19,637 78	25,661 23	41,102 55	37,536 80	50,233 53	Paving Division.
15,241 83	21,230 06	21,134 30	40,336 01	56,149 90	Sanitary “
					Sewer “
					Street-Cleaning Div.
					Watering Division.
11,164 47	24,947 06	37,788 23	152,097 81	196,915 32	Street Laying out Dept.
1,725 00	1,527 00	7,536 00	4,516 00		Dog Fund.
12,626 50	28,998 00	46,070 30	37,849 00	80,999 18	Militia Bounty.
987 26	266 43	143 75		219 84	Unclaimed Drafts.
473,208 75	530,526 80	551,839 36	609,030 49	653,170 86	Water-Works.
					Horse Railroads.
	54 67	12 00	135 00	82 64	Lamp Department.
8,530 00		60 00	1,489 97		War Expenses.
					Salaries.
					Advertising.
1,025 00	1,425 00	1,212 50	1,487 44	1,320 00	Public Grounds Dept.
	580 22	14,311 66	5,400 00	9,500 00	Harbor Dredging.
		78,531 89	24,162 52	2,938 71	City of Roxbury.
			10 00		Apple Island.
			8,787 87		Church-st. District.
			24 45		Printing Department.
\$856,775 96	\$1,061,185 58	\$1,249,584 52	\$1,359,474 23	\$1,516,325 09	

REVENUE OF THE CITY. — *Continued.*

	1860-61.	1861-62.	1862-63.	1863-64.	1864-65.
<i>Brought forward</i> ..	\$645,131 86	\$607,046 .23	\$645,839 50	\$763,595 16	\$877,704 47
Hospital Bld., Springfield St.					
Town of Dorchester ..					
City of Charlestown ..					
Atlantic-ave. Market.					
Engineering Dept.					
Inspection of Buildings					
Town of Brighton					
Town of West Roxbury					
Mecantile-wharf Market.					
Boston Harbor					
Public Lands					
Registration of Voters Dept.					
Cover'd Channel, Stony Brook					
Covered Chan'l, Muddy River					
Rebate on Gas					
Board of Aldermen ..					
Common Council					
Contingent Fund, Joint Com.					
Architect Dept.					
Surveying Dept.					
Police, Witness Fees ..					
Sales of City Property.					
Amounts formerly held under protest					
Everett-st. Crossing ..					
County of Suffolk	84,007 74	30,418 80	46,791 75	43,158 99	64,984 09
Taxes :					
For prior years ..	150,656 95	191,087 70	187,585 95	154,584 48	143,656 80
Current year or general ..	2,328,862 39	2,191,014 70	2,702,352 82	3,243,813 35	3,952,336 02
City Bank Tax					
Corporation Tax					391,616 26
Foreign Ships					
Proportion of State Tax ..					
Liquor Licenses (net).					
Balance of Appropriations	108,921 96	145,073 79	33,564 86		
	\$3,317,580 90	\$3,164,641 22	\$3,616,134 88	\$4,205,151 98	\$5,430,297 64
Cash, beginning of fiscal year					

REVENUE OF THE CITY. — *Continued.*

1865-66.	1866-67.	1867-68.	1868-69.	1869-70.	
\$856,775 96	\$1,061,185 58	\$1,249,584 52	\$1,359,474 23	\$1,516,325 09	
.....				45,000 00	Hospital, Bld., Spring-
.....				13,374 53	field St.
.....					Town of Dorchester.
.....					City of Charlestown.
.....					Atlantic-ave. Market.
.....					Engineering Dept.
.....					Inspection of Buildings.
.....					Town of Brighton.
.....					Town of W. Roxbury.
.....					Mercantile-wharf Mar-
.....					ket.
.....					Boston Harbor.
.....					Public Lands.
.....					Registration of Voters
.....					Dept.
.....					Cover'd Channel, Stony
.....					Brook.
.....					Covered Chan'l, Muddy
.....					River.
.....					Rebate on Gas.
.....					Board of Aldermen.
.....					Common Council.
.....					Contingent Fund, Joint
.....					Com.
.....					Architect Dept.
.....					Surveying Dept.
.....					Police, Witness Fees.
.....					Sales of City Property.
.....					Amounts formerly held
.....					under protest.
75,198 44	122,930 46	179,152 94	81,070 95	113,569 90	Everett-st. Crossing.
.....					County of Suffolk.
174,620 97	247,809 87	218,275 41	286,740 97	274,569 38	Taxes:
.....					For prior years.
5,520,731 84	5,109,969 15	6,488,300 54	5,767,943 15	6,968,927 02	Current year or
.....					general
402,797 28	383,591 24	439,075 44	418,961 52	453,035 84	City Bank Tax.
.....					Corporati'n Tax.
.....					Foreign Ships.
.....					Proportion of
.....					State Tax.
.....			108,910 89	6,594 13	Liquor Licenses (net).
257,018 68	70,108 36	354,366 45	136 852 73	463,387 82	Balance of Appropria-
.....					tions.
\$7,287,143 17	\$6,995,594 66	\$8,928,755 30	\$8,159,954 44	\$9,854,783 71	Cash, beginning of fis-
.....					cal year.

REVENUE OF THE CITY. — *Continued.*

	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.
City Clerk Dept.	\$3,517 29	\$3,555 75	\$3,569 70	\$3,727 63	\$5,295 66
City Council :					
Incidental Expenses,	48 65	44 50	4,112 20	957 02	207 34
City Messenger Dept.					
Collecting Bank Tax	1,257 82			7,701 17	5,158 27
Collecting Dept., or					
Tax and other Fees,					
Conscience Fund					
Ferry Department	180,058 54	184,600 00	205,000 00	219,507 50	200,000 00
Fire Department	3,810 73	2,472 10	2,749 36	2,213 52	1,864 16
Hay Scales	1,210 46	1,228 80	1,446 09	1,341 75	1,160 71
Health Department		600 00	5,585 51	5,329 23	5,947 59
Hospital Department	5,686 88	4,393 83	3,948 64	3,591 86	3,145 92
Inspection Milk and					
Vinegar Dept.					
Interest and Premium,	227,213 54	98,281 05	78,883 79	162,467 19	271,158 81
Library Department	1,150 00	1,472 44	1,573 21	2,775 00	2,360 24
Market "	475 50				
Overseeing of the Poor					
Department	15,485 01	23,293 69	24,387 77	20,756 61	29,446 87
Park Department					
Pedlers	879 00	930 00	998 50	1,355 60	1,120 00
Police Department	11,525 78	9,385 61	8,602 95	10,269 73	10,288 65
Public Bldgs. Dept. :					
Armories	10,038 08	9,470 00	9,250 00	12,355 00	19,829 17
Miscellaneous	28,428 20	940 00	1,014 50	861 50	5,704 06
Public Institut'ns Dept.	114,179 21	107,444 40	98,394 03	75,831 11	67,923 67
Registry Department	2,046 00	2,168 50	2,232 50	2,344 50	2,226 00
Rents	119,725 34	119,139 72	122,014 32	139,074 40	149,253 81
School Committee	28,900 35	26,859 98	28,113 93	30,883 73	26,220 82
Sealing of Weights and					
Measures Dept.	87 86	110 00	115 00		160 00
Street Department :					
Bridge Division	5 00	400 00	818 75	19 47	2,875 80
C'b'dge Bridges Div.		25 00	125 25	76 00	25 00
Paving Division	10,407 64	8,560 78	9,769 20	18,755 80	51,134 22
Sanitary "	48,926 58	47,858 15	40,679 25	26,303 12	36,286 77
Sewer "	51,638 22	52,318 19	54,944 82	87,676 78	81,828 30
Street-Cleaning Div.					
Watering Division					
Street Laying out Dept.	11,787 50				
Dog Fund					
Militia Bounty	46,285 50	38,038 50	72,685 92	5,257 96	
Unclaimed Drafts	593 83	717 83	547 20	525 35	1,767 57
Water-Works	789,123 37	841,972 82	902,022 68	989,266 86	1,013,051 02
Horse Railroads					
Lamp Department	92 26	8 00	27 75	304 24	84 35
War Expenses					
Salaries					
Advertising					
Public Grounds Dept.	1,063 00	3,381 51	3,000 00	1,500 00	2,548 75
Harbor Dredging	12,850 00				
City of Roxbury	1,046 53	586 40	3,384 51	493 41	
Apple Island					
Church-st. District					
Printing Department			48 80		121 41
<i>Carried forward . . .</i>	<i>\$1,729,543 67</i>	<i>\$1,589,757 55</i>	<i>\$1,690,046 13</i>	<i>\$1,833,523 04</i>	<i>\$1,998,194 94</i>

REVENUE OF THE CITY. — *Continued.*

1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	
\$4,800 64	\$5,552 81	\$5,198 76	\$5,000 20	\$5,329 32	City Clerk Dept.
291 26	24 50	277 70	8,418 80	712 50	City Council :
6,950 51	6,202 55	6,030 01	5,048 98	4,839 00	Incidental Expenses.
.....	36,907 04	32,259 15	3,045 27	5,362 36	City Messenger Dept.
179,300 00	176,032 00	175,795 48	166,530 31	174,437 00	Collecting Bank Tax.
2,804 49	4,024 53	5,774 59	3,255 62	2,224 08	Collecting Dept., or
1,050 93	776 12	816 46	775 37	792 44	Tax and other Fees.
5,397 68	3,876 09	4,782 24	12,388 04	3,666 28	Conscience Fund.
1,349 40	5,195 78	8,117 15	7,980 42	8,472 96	Ferry Department.
.....	.....	.....	.....	.....	Fire Department.
248,378 81	198,649 59	176,056 79	118,990 27	110,187 82	Hay Scales.
2,505 35	3,092 12	3,266 31	2,618 32	2,984 12	Health Department.
.....	.....	347 94	460 71	357 35	Hospital Department.
29,229 72	32,928 01	28,679 73	29,895 87	24,618 93	Inspection Milk and
1,065 50	952 00	918 00	835 00	400 00	Vinegar Dept.
10,928 40	8,010 27	8,366 85	10,186 52	13,447 08	Interest and Premium.
18,114 00	11,233 55	18,381 44	10,200 00	10,083 34	Library Department.
2,740 78	3,924 84	3,747 87	3,723 46	2,786 33	Market "
58,453 13	49,175 27	47,239 55	79,681 83	75,270 55	Overseeing of the Poor
1,903 50	1,679 00	1,711 00	1,815 00	1,931 50	Department.
140,120 18	130,684 66	125,857 82	122,119 92	105,505 48	Park Department.
20,635 72	21,999 03	30,109 31	32,145 54	49,090 28	Pedlars.
134 10	824 33	9 54	.....	.....	Police Department.
2,372 80	2,866 70	1,206 20	1,998 79	1,488 76	Public Bldgs. Dept. :
75 00	89 00	87 58	48 40	.....	Armories.
58,719 72	38,831 18	29,411 11	17,613 98	16,650 19	Miscellaneous.
43,581 21	55,136 33	45,035 03	37,690 57	32,583 85	Public Ins'tions Dept.
69,198 56	115,950 12	74,119 81	35,336 52	32,718 34	Registry Department.
.....	.....	.....	.....	.....	Rents.
.....	.....	.....	.....	.....	School Committee.
.....	.....	.....	.....	.....	Sealing of Weights and
.....	.....	.....	.....	.....	Measures Dept.
.....	.....	.....	.....	.....	Street Department :
588 48	1,580 12	1,359 31	871 50	473 20	Bridge Division.
1,095,713 14	1,002,758 85	.....	.....	.....	Camb'ge Bridges Div.
155 37	134 17	81 29	29 50	20	Paving Division.
.....	.....	.....	.....	.....	Sanitary "
.....	.....	.....	.....	.....	Sewer "
.....	.....	.....	.....	.....	Street-Cleaning Div.
.....	.....	.....	.....	.....	Watering Division.
.....	.....	.....	.....	.....	Street Laying out Dept.
.....	.....	.....	.....	.....	Dog Fund.
.....	.....	.....	.....	.....	Militia Bounty.
.....	.....	.....	.....	.....	Unclaimed Drafts.
.....	.....	.....	.....	.....	Water-Works.
.....	.....	.....	.....	.....	Horse Railroads.
.....	.....	.....	.....	.....	Lamp Department.
.....	.....	.....	.....	.....	War Expenses.
.....	.....	.....	.....	.....	Salaries.
.....	.....	.....	.....	.....	Advertising.
.....	.....	.....	.....	.....	Public Grounds Dept.
.....	.....	.....	.....	.....	Harbor Dredging.
.....	.....	.....	.....	.....	City of Roxbury.
.....	.....	.....	.....	.....	Apple Island.
200 00	.....	.....	.....	.....	Church-st. District.
39 90	189 91	44 62	102 36	42 61	Printing Department.
\$2,006,748 28	\$1,919,230 47	\$835,088 64	\$718,807 07	\$686,455 87	

REVENUE OF THE CITY. — *Continued.*

	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.
<i>Brought forward</i>	\$1,729,543 67	\$1,589,757 55	\$1,690,046 13	\$1,833,523 04	\$1,998,194 94
Hospital Bldg., Springfield St.					
Town of Dorchester..	11,671 15		249 00		
City of Charlestown...				143,121 96	6,826 76
Atlantic-ave. Market .				6,744 61	7,162 48
Engineering Dept.				125 00	
Inspection of Buildings				453 40	226 62
Town of Brighton				3,754 89	8,575 96
Town of West Roxbury				59,865 35	3,679 56
Mercantile-wharf Market....					
Boston Harbor					
Public Lands					
Registration of Voters Dept.					
Covered Chan'l, Stony Brook					
Covered Chan'l, Muddy River					
Rebate on Gas					
Board of Aldermen ...					
Common Council.					
Contingent Fund, Joint Committee					
Architect Dept.					
Surveying Dept.					
Police, Witness Fees...					
Sales of City Property.					
Amounts formerly held under protest.					
Everett-st. Crossing					
County of Suffolk ...	144,899 25	141,607 34	137,129 23	156,395 21	133,912 35
Taxes:					
For prior years....	458,085 33	583,633 87	599,734 09	780,122 58	629,079 85
Current year or general	8,209,467 12	7,160,241 14	6,884,857 14	7,885,745 25	10,895,539 93
City Bank Tax....		217,193 22	257,765 56	205,156 58	296,906 82
Corporation Tax.	436,826 78	445,025 49	428,876 66	346,995 87	354,909 48
Foreign Ships.....					
Proportion of State Tax	2,102 54		2,102 54		
Liquor Licenses (net).					
Balance of Appropriations	470,923 00	257,401 08	109,747 12	238,519 59	854,332 33
	\$11,463,518 84	\$10,394,859 69	\$10,110,507 47	\$11,660,523 33	\$15,189,347 08
Cash, beginning of fiscal year.....					
Grand Total					

REVENUE OF THE CITY. — *Continued.*

1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	
\$2,006,748 28	\$1,919,230 47	\$835,088 64	\$718,807 07	\$686,455 87	Hospital Bld., Springfield st.
858 72	4 00			886 38	Town of Dorchester.
					City of Charlestown.
					Atlantic-ave. Market.
					Engineering Dept.
1,475 20		1,435 90	230 75	264 69	Inspection of B'ildings.
					Town of Brighton.
					Town of West Roxb'ry.
	1,145 00	240 00			Mercantile-wharf Market.
			30 00		Boston Harbor.
					Public Lands.
					Registration of Voters Dept.
					Covered Chan'l, Stony Brook.
					Covered Chan'l, Muddy River.
					Rebate on Gas.
					Board of Aldermen.
					Common Council.
					Contingent Fund, Joint Committee.
					Architect Dept.
					Surveying Dept.
					Police, Witness Fees.
					Sales of City Property.
					Amounts formerly held under protest.
100,687 85	106,253 09	96,933 38	62,644 02	71,544 00	Everett-st. Crossing.
					County of Suffolk.
1,130,443 37	1,061,989 83	829,464 77	668,629 64	568,291 56	Taxes:
					For prior years.
9,449,113 81	8,372,284 86	8,036,536 72	7,263,419 65	6,986,240 75	Current year or general.
241,405 56	211,842 78	213,056 95	179,571 41	173,118 97	City Bank Tax.
352,733 92	301,774 48	284,075 89	294,034 93	293,501 18	Corporation Tax.
					Foreign Ships.
					Proportion of State Tax.
	125,000 00	182,630 32	141,138 67	159,614 10	Liquor Licenses (net).
814,553 60	577,958 77	404,387 57	658,988 66	114,159 09	Balance of Appropriations.
\$14,098,020 31	\$12,677,483 28	\$10,883,850 14	\$9,987,494 80	\$9,054,076 59	
		715,164 28	712,646 42	731,509 22	Cash, beginning of fiscal year.
		\$11,599,014 42	\$10,700,141 22	\$9,785,585 81	Grand Total.

REVENUE OF THE CITY. — *Continued.*

	1880-81.	1881-82.	1882-83.	1883-84.	1884-85.
City Clerk Dept.	\$3,528 50	\$4,194 43	\$4,334 70	\$4,689 25	\$6,082 75
City Council:					
Incidental Expenses,	568 38	664 41	125 30	209 21	523 08
City Messenger Dept.					
Collecting Bank Tax. . .	6,838 09	6,583 30	6,893 13	6,662 04	7,836 33
Collecting Dept., or					
Tax and other Fees,	4,664 55	5,334 27	5,690 90	4,733 03	4,337 53
Conscience Fund					
Ferry Department	166,508 48	165,513 06	162,827 91	159,031 03	156,801 60
Fire Department	2,097 89	2,142 33	2,114 37	1,911 43	2,248 03
Hay Scales	770 53	795 32	877 28	626 27	600 71
Health Department	3,590 25	4,836 60	5,182 48	9,801 00	5,819 02
Hospital Department. . .	10,812 29	13,379 88	13,651 94	13,805 28	15,658 29
Inspection Milk and					
Vinegar Dept.					
Interest and Premium,	114,323 55	114,820 62	123,291 06	143,260 24	139,409 92
Library Department ..	3,497 03	2,945 74	3,223 14	3,018 01	2,952 68
Market "	173 46	454 78	531 31	1,007 80	538 96
Overseeing of the Poor					
Department	18,541 87	15,863 59	24,222 13	20,741 85	24,022 95
Park Department					
Pedlers	325 00	500 00	350 00	700 00	500 00
Police Department	17,951 66	18,465 63	19,834 99	22,152 65	21,582 15
Public Bldgs. Dept. :					
Armories	10,116 66	10,000 00	10,150 00	10,225 00	10,150 00
Miscellaneous	2,436 60	677 29	1,192 51	1,055 96	1,254 83
Public Institut'ns Dept.	83,818 42	99,913 05	123,201 05	110,332 85	112,993 18
Registry Department. . .	2,120 50	2,296 50	2,406 50	2,437 00	2,367 50
Rents	105,322 44	97,783 86	98,011 36	102,109 29	99,864 46
School Committee	71,992 43	68,500 28	72,430 36	78,304 00	38,560 76
Sealing of Weights and					
Measures Dept.		3,846 33	3,157 27	3,342 91	3,348 88
Street Department. :					
Bridge Division	1,688 47	1,212 31	1,211 25	703 50	575 59
Camb. Bridges Div. . .	94 83	163 88	94 00	150 55	224 46
Paving Division	26,536 20	30,516 26	28,807 08	27,963 30	17,821 13
Sanitary "	39,881 77	42,321 64	49,624 68	52,025 09	57,191 77
Sewer	28,412 03	55,184 69	58,340 89	49,021 86	29,724 36
Street-Cleaning Div. . .					
Watering Division. . .					
Street Laying out Dept.					
Dog Fund					
Militia Bounty					
Unclaimed Drafts.	869 57	509 32	1,235 04	676 98	2,130 52
Water-Works					
Horse Railroads.					
Lamp Department.	59 65			455 87	352 46
War Expenses.					
Salaries					
Advertising					
Public Grounds Dept. . .		15 00	518 00	653 97	
Harbor Dredging.					
City of Roxbury				28 16	33 00
Apple Island.					
Church-st. District. . .					
Printing Department. . .	20 27	66 18	51 79	145 79	27 15
<i>Carried forward...</i>	\$727,561 37	\$769,500 55	\$823,582 42	\$831,981 17	\$765,534 05

REVENUE OF THE CITY. — *Continued.*

1885-86.	1886-87.	1887-88.	1888-89.	1889-90.	
\$5,896 00	\$5,640 55	\$5,367 25	\$5,892 50	\$5,657 17	City Clerk Dept.
1,296 30	264 44	419 22	1,101 71	1,197 47	City Council:
.....	29 43	31 39	54 25	45 99	Incidental Expenses.
5,881 94	6,060 65	6,430 95	6,253 93	6,466 28	City Messenger Dept.
4,546 33	4,435 33	4,585 52	3,970 45	1,353 40	Collecting Bank Tax.
.....	.....	.....	.....	500 00	Collecting Dept., or
159,558 14	164,497 69	140,001 13	138,760 65	141,633 00	Tax and other Fees.
2,186 15	2,259 05	1,984 99	1,357 80	2,256 47	Conscience Fund.
643 08	812 87	702 66	789 60	925 72	Ferry Department.
7,325 68	3,758 29	4,609 96	5,899 35	4,612 50	Fire Department.
35,567 36	31,365 54	34,008 54	33,665 68	38,583 62	Hay Scales.
.....	878 00	634 00	552 90	590 00	Health Department.
111,438 32	116,894 33	148,564 38	116,969 79	137,114 76	Hospital Department.
2,136 76	3,932 18	1,414 17	.....	.....	Inspection Milk and
526 87	529 81	579 42	610 51	473 07	Vinegar Dept.
22,777 61	16,977 30	12,826 36	13,782 30	15,231 10	Interest and Premium.
2 25	103 22	.....	.....	.....	Library Department.
600 00	775 00	1,425 00	2,225 00	1,550 00	Market Department.
20,329 32	23,814 62	25,863 75	25,994 07	12,622 75	Overseeing of the Poor
9,950 00	9,700 00	9,955 91	10,250 00	10,200 00	Department.
1,176 42	1,374 87	1,901 15	2,616 39	1,156 38	Park Department.
105,915 11	82,851 20	67,080 91	47,886 59	59,277 18	Pedlars.
2,392 50	2,619 50	2,753 50	2,853 00	2,917 50	Police Department.
99,907 20	100,051 70	100,326 70	99,376 70	99,364 20	Public Bldgs. Dept. :
30,376 07	32,678 20	36,298 56	38,349 33	38,055 52	Armories.
3,380 58	3,288 60	3,171 91	3,454 74	3,622 26	Miscellaneous.
520 03	571 50	515 60	443 47	425 00	Public Institut'ns Dept.
468 41	254 19	437 85	387 81	425 45	Registry Department.
36,944 28	23,486 74	19,620 70	16,313 71	13,929 79	Rents.
48,295 71	40,259 51	37,435 59	39,548 17	40,643 49	School Committee.
127,704 66	51,039 57	26,672 42	28,751 08	43,544 44	Sealing of Weights and
.....	.....	.....	.....	.....	Measures Dept.
20 00	.....	.....	.....	.....	Street Department :
.....	.....	.....	.....	.....	Bridge Divison.
.....	.....	.....	.....	.....	Camb. Bridges Div.
.....	.....	.....	.....	.....	Paving Divison.
.....	.....	.....	.....	.....	Sanitary “
72 25	86 16	131 62	829 05	56 35	Sewer “
.....	.....	.....	.....	.....	Street-Cleaning Div.
.....	.....	.....	.....	.....	Watering Division.
.....	.....	.....	.....	.....	Street Laying out Dept.
.....	.....	.....	.....	.....	Dog Fund.
.....	.....	.....	.....	.....	Militia Bounty.
.....	.....	.....	.....	.....	Unclaimed Drafts.
.....	.....	.....	.....	.....	Water-Works.
.....	.....	.....	.....	.....	Horse Railroads.
.....	.....	.....	.....	.....	Lamp Department.
.....	.....	.....	.....	.....	War Expenses.
.....	.....	.....	.....	.....	Salaries.
1 00	1 20	82	.....	.....	Advertising.
.....	.....	.....	.....	.....	Public Grounds Dept.
349 60	84 00	.....	.....	281 80	Harbor Dredging.
.....	.....	.....	.....	.....	City of Roxbury.
.....	.....	.....	.....	.....	Apple Island.
10 50	69 00	17 00	37 02	46 15	Church-st. District.
.....	.....	.....	.....	.....	Printing Department.
\$848,196 43	\$731,394 24	\$695,768 93	\$648,797 55	\$684,758 81	

REVENUE OF THE CITY. — *Continued.*

	1880-81.	1881-82.	1882-83.	1883-84.	1884-85.
<i>Brought forward...</i>	\$727,561 37	\$769,500 55	\$823,582 42	\$831,981 17	\$765,534 05
Hospital Bld., Springfield st.					
Town of Dorchester ..					
City of Charlestown ..					
Atlantic-ave. Market..					
Engineering Dept.					
Inspection of Build'gs,	5 00	30 00	30 00		
Town of Brighton ..					
Town of W. Roxbury ..					
Mercantile-wharf Mar-					
ket					
Boston Harbor					
Public Lands		30 00			
Registration of Voters					
Department		7 48			
Cover'd Channel, Stony					
Brook			276 50		
Cove'd Channel, Muddy					
River				577 76	
Rebate on Gas				3,083 14	
Board of Aldermen ..					138 54
Common Council					6 50
Contingent Fund, Joint					
Committee					
Architect Dept.					
Surveying Dept.					
Police, Witness Fees ..					
Sales of City Property.					
Amounts formerly held					
under protest.					
Everett-st. Crossing ..					
County of Suffolk	62,847 55	83,289 31	90,551 56	94,296 41	91,461 50
Taxes:					
For prior years.	502,428 31	566,915 96	520,881 50	623,879 35	548,949 57
Current year or					
general	8,896,757 36	8,515,620 97	9,263,483 37	9,096,627 65	10,653,369 23
City Bank Tax ...	238,741 35	229,052 53	240,175 06	225,620 02	258,387 59
Corporation Tax.	465,045 67	603,377 12	596,061 72	592,727 21	605,318 42
Foreign Ships			7,540 63	11,698 54	16,101 61
Proportion of State					
Tax					
Liquor Licenses (net),	167,108 13	163,445 71	184,967 33	202,831 39	365,600 51
Balance of Appropria-					
tions	209,486 94	122,991 98	129,569 41	150,082 99	239,291 46
	\$11,269,981 68	\$11,054,261 61	\$11,857,119 50	\$11,833,405 63	\$13,544,158 98
Cash, beginning of fis-					
cal year	445,781 81	906,266 49	865,601 10	842,705 60	883,787 23
Grand Total	\$11,715,763 49	\$11,960,528 10	\$12,722,720 60	\$12,676,111 23	\$14,427,946 21

REVENUE OF THE CITY. — *Continued.*

1885-86.	1886-87.	1887-88.	1888-89.	1889-90.	
\$848,196 43	\$731,394 24	\$695,768 93	\$648,977 55	\$684,758 81	Hospital Bldg., Spring-
.....	.....	.....	.....	.....	field st.
.....	.....	.....	.....	.....	Town of Dorchester.
.....	.....	.....	.....	.....	City of Charlestown.
.....	.....	.....	.....	.....	Atlantic Ave. Market.
.....	.....	.....	.....	.....	Engineering Dept.
.....	93 50	30 00	25 00	144 16	Inspection of Build'gs.
.....	.....	.....	.....	.....	Town of Brighton.
.....	.....	.....	.....	.....	Town of W. Roxbury.
.....	.....	.....	.....	.....	Mercantile Wharf Mar-
.....	.....	.....	.....	.....	ket.
.....	.....	.....	.....	.....	Boston Harbor.
.....	.....	.....	.....	.....	Public Lands.
.....	.....	.....	.....	.....	Registration of Voters
.....	.....	.....	.....	.....	Dept.
.....	.....	.....	.....	.....	Cover'd Channel, Stony
.....	.....	.....	.....	.....	Brook.
.....	.....	.....	.....	.....	Cover'd Chan'el, Muddy
.....	.....	.....	.....	.....	River.
.....	.....	.....	.....	.....	Rebate on Gas.
9 00	.....	.....	.....	.....	Board of Aldermen.
.....	4 97	.....	.....	.....	Common Council.
.....	.....	.....	.....	.....	Contingent Fund, Joint
30 00	.....	.....	.....	.....	Com.
.....	62 00	.....	.....	.....	Architect Dept.
.....	.....	.....	7 00	9 00	Surveying Dept.
.....	.....	.....	.....	.....	Police, Witness Fees.
.....	.....	.....	.....	.....	Sales of City Property.
.....	.....	.....	.....	.....	Amounts formerly held
.....	.....	.....	.....	.....	under protest.
.....	.....	.....	.....	.....	Everett-st. Crossing.
127,526 28	125,116 25	157,270 03	210,256 42	306,548 59	County of Suffolk.
.....	.....	.....	.....	.....	Taxes:
681,162 72	427,809 54	408,319 41	464,835 02	493,597 53	For prior years.
.....	.....	.....	.....	.....	Current year or
8,156,904 04	8,450,958 94	9,379,104 68	9,590,413 00	9,512,762 89	general.
185,277 76	187,069 22	198,337 99	198,167 14	195,863 71	City Bank Tax.
548,097 18	633,900 09	868,857 02	815,701 46	807,021 90	Corporation Tax.
10,777 30	9,422 31	9,025 18	8,499 90	6,567 75	Foreign Ships.
.....	.....	.....	.....	.....	Proportion of
.....	.....	.....	.....	.....	State Tax.
356,781 30	270,084 70	382,083 19	331,069 42	550,344 28	Liquor Licenses (net).
50,112 14	6,791 33	85,540 07	42,166 96	7,256 80	Balance of Appropria-
.....	.....	.....	.....	.....	tions.
\$10,964,874 15	\$10,842,707 09	\$12,184,336 50	\$12,310,118 87	\$12,564,875 42	Cash, beginning of fis-
991,111 21	769,830 36	500,977 45	197,414 95	223,421 82	cal year.
\$11,955,985 36	\$11,612,537 45	\$12,685,313 95	\$12,507,533 82	\$12,788,297 24	Grand Total.

REVENUE OF THE CITY. — *Continued.*

	1890-91.	1891-92.	1892-93.	1893-94.
City Clerk Department.....	\$5,655 86	\$4,843 50	\$6,052 25	\$6,641 25
City Council:				
Incidental Expenses	725 33	285 93	305 54	30 66
City Messenger Department...	40 54	43 96	31 28	29 80
Collecting Bank Tax.....	6,913 74	6,428 81	6,527 86	6,392 30
Collecting Department, or Tax and other Fees	9,688 78	10,475 21	12,451 86	12,192 15
Conscience Fund		54 00		25 00
Ferry Department	146,276 80	116,353 00	154,660 63	152,069 54
Fire Department	1,764 58	919 35	2,400 12	1,449 34
Hay Scales	581 63	447 42	491 44	465 21
Health Department	5,041 75	4,311 00	12,100 70	8,766 78
Hospital Department.....	36,445 48	51,442 29	50,375 80	54,455 15
Inspection Milk and Vinegar Department	602 50	540 50	646 00	694 00
Interest and Premium	187,621 58	114,963 24	110,324 86	117,077 25
Library Department				
Market	622 88	340 92	484 22	581 67
Overseeing of the Poor Dept..	13,373 20	10,152 41	11,208 47	11,825 23
Park Department.....	2,097 88	13,608 14	2,632 44	4,769 96
Peddlers	1,025 00	1,375 00	2,000 00	1,450 00
Police Department.....	11,736 13	11,396 48	13,256 18	13,132 74
Public Buildings Department:				
Armories	10,850 00	11,700 00	10,900 00	10,800 00
Miscellaneous	1,800 50	1,138 55	1,437 87	1,440 25
Public Institutions Dept.	67,853 93	57,944 35	60,479 39	76,758 61
Registry Department	3,072 00	2,488 50	2,115 75	800 00
Rents	103,126 70	73,985 65	100,972 55	101,176 70
School Committee	39,128 71	29,608 38	34,799 19	36,756 75
Sealing of Weights and Meas- ures Department	3,612 80	1,986 13	2,649 13	3,569 61
Street Department:				
Bridge Division	1,162 04	357 50	1,481 04	2,699 50
Cambridge Bridges Div.	2,120 67	316 70	581 11	752 68
Paving Division.....	17,834 61	12,271 60	45,402 68	9,823 83
Sanitary	44,368 19	31,623 19	35,856 70	28,969 27
Sewer	18,609 40	19,202 17	55,281 11	38,447 37
Street-Cleaning Division		497 00	1,585 02	2,732 62
Watering Division			100 00	110 00
Street Laying-out Department,		6,025 00		84 00
Dog Fund				
Militia Bounty				
Unclaimed Drafts				
Water-Works				
Horse Railroads				
Lamp Department	211 30		11 00	
War Expenses				
Salaries				
Advertising				
Public Grounds Department...			32 50	
Harbor Dredging.....				
City of Roxbury.....	136 91			
Apple Island				
Church-st. District				
Printing Department.....	21 43			
<i>Carried forward</i>	\$744,122 85	\$597,125 88	\$739,634 71	\$706,969 22

REVENUE OF THE CITY. — *Concluded.*

	1890-91.	1891-92.	1892-93.	1893-94.
<i>Brought forward</i>	\$744,122 85	\$597,125 88	\$739,634 71	\$706,969 22
Hospital Bldg., Springfield st.				
Town of Dorchester.....				
City of Charlestown.....				
Atlantic-avenue Market.....				
Engineering Department.....		9,034 25		
Inspection of Buildings Dept.,.....	2,021 38	92 67	38 97	
Town of Brighton.....		30 80		
Town of West Roxbury.....				
Mercantile-wharf Market.....				
Boston Harbor.....				
Public Lands.....				
Registration of Voters Dept.....				
Covered Channel, Stony Brook,				
“ “ Muddy River,.....				
Rebate on Gas.....				
Board of Aldermen.....				
Common Council.....				
Contingent Fund, Joint Com.....				
Architect Department.....				
Surveying Department.....	10 00			
Police, Witness Fees.....	3,889 10			
Sales of City Property.....			195,197 28	
Amounts formerly held under				
protest, Taxes, etc.....		212,526 41		
Everett-st. Crossing.....				13,108 31
County of Suffolk.....	205,004 89	132,853 22	161,871 88	172,639 02
Taxes:				
For prior years.....	448,623 99	515,311 80	989,493 15	866,981 06
For current year or general,.....	10,163,910 36	9,647,778 47	10,495,453 77	10,510,141 22
City Bank Tax.....	199,931 83	184,812 77	188,390 41	181,208 09
Corporation Tax.....	892,126 89	810,574 81	1,047,406 49	1,025,098 97
Foreign Ships.....	4,213 70	4,009 51	4,036 82	3,474 23
Proportion of State Tax.....				
Liquor Licenses (net).....	599,618 10	717,218 56	707,213 64	797,128 50
Balance of Appropriations.....		230,292 95		
Totals.....	\$13,263,473 09	\$13,061,662 10	\$14,528,737 12	\$14,276,748 62
Cash, beginning of fiscal year..	303,537 95	403,373 27	84,034 10	400,537 66
Grand Totals.....	\$13,567,011 04	\$13,465,035 37	\$14,612,771 22	\$14,677,286 28

Table No. 6.
OPERATION OF THE TAX LIMIT, — 1885-1895.

YEAR.	Average valuation for five years, less abatements to Dec. 31 preceding.	Product of \$9 law.	Extra for county purposes under the law of 1887.	Miscellaneous revenue as estimated by the City Auditor.	Total income available for department expenditures.	Interest and sinking-fund requirements as estimated by the City Auditor.	Total possible appropriations for city and county purposes.	Annual appropriation order.
1885-86 . . .	\$661,011,076	\$5,949,099		\$2,804,550	\$8,753,649	\$2,171,569	\$10,925,218	\$10,608,100
1886-87 . . .	670,035,172	6,030,316		2,588,490	8,618,806	2,176,357	10,795,163	10,553,690
1887-88 . . .	678,763,000	6,108,867	\$425,000	2,694,800	9,228,667	2,425,465	11,654,132	11,654,094
1888-89 . . .	694,078,430	6,246,705	425,000	2,261,080	8,932,785	2,517,522	11,450,307	11,450,307
1889-90 . . .	711,071,286	6,399,641	425,000	2,408,090	9,232,731	2,492,510	11,725,241	11,725,241
1890-91 . . .	733,736,943	6,603,632	425,000	2,470,240	9,498,872	2,990,942	12,489,814	12,489,814
1891-92 . . .	761,236,068	6,851,124	425,000	2,635,390	9,911,514	2,887,916	12,799,430	12,799,430
1892-93 . . .	790,036,144	7,110,325	425,000	2,914,575	10,450,000	3,150,420	13,600,420	13,600,420
1893-94 . . .	819,313,202	7,373,818	425,000	2,756,590	10,555,408	2,910,219	13,465,627	13,465,627
1894-95 . . .	850,076,262	7,650,686	425,000	2,490,000	10,565,686	2,826,068	13,391,754	13,391,754
1895-96 . . .	876,794,390	7,891,149	425,000	2,598,665	10,914,814	3,098,229	14,013,043	

Table No. 7.

TAX CALCULATIONS FOR THE YEAR 1894.

CITY OF BOSTON, MAYOR'S OFFICE,
August 10, 1894.*Warrants of the City Council:*

Appropriation orders	\$13,391,754 00
Deduct estimated income	2,490,000 00

Net appropriations for City and County purposes to be raised by taxation under P. S., ch. 103, sect. 34, as per Auditor's certificate of June 28, 1894:

City	\$10,034,358 00
County	867,396 00
	<u>\$10,901,754 00</u>

Calculation to see if this amount is within the tax limitation laws:

Average valuation December 31, 1893, for five preceding years, less abatements	\$850,076,262 00
Percentage allowed by St. 1885, ch. 178	.009

= \$7,650,686 36

Add amount allowed for County expenses, under St. 1887, ch. 281	425,000 00
---	------------

Add amount allowed for debt and interest requirements:

City debt (St. 1885, ch. 178)	\$2,628,672 00
County debt (St. 1887, ch. 101)	197,396 00
	<u>2,826,068 00</u>

Total amount allowed by law to be raised by taxation for City and County purposes	<u>\$10,901,754 36</u>
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Warrants from the Commonwealth:

State tax, under St. 1894, ch. 510	\$731,500 00
Armory assessments under St. 1888, ch. 384	28,056 27
Metropolitan sewer assessments, under St. 1889, ch. 439, and St. 1894, ch. 307	46,517 66
Grade crossing assessments, under St. 1890, ch. 428, and St. 1893, ch. 283, ...	5,263 04

Total State tax	<u>\$811,336 97</u>
---------------------------	---------------------

Total Warrants:

City	\$10,034,358 00
County	867,396 00
	<u>\$10,901,754 00</u>
Total by order of the City Council	811,336 97
State	
Total amount to be raised by taxes	<u>\$11,713,090 97</u>

Calculation of Taxes to be Assessed on Property :

	City.	County.	State.	Total.
Amount of warrants..	\$10,034,358	\$867,396	\$811,336 97	\$11,713,090 97
Deduct one-half tax on polls (P. S., ch. 11, § 48)		139,743	139,743 00	279,486 00
Total proportion of warrants to be as- sessed on property..	\$10,034,358	\$727,653	\$671,593 97	\$11,433,604 97
Add 4% for overlay authorized by P. S., ch. 11, § 49, and St. 1887, ch. 226	401,374	29,106	26,864 00	457,344 00
Tax to be assessed on property	\$10,435,732	\$756,759	\$698,457 97	\$11,890,948 97

Calculation of the Rate of Tax on Property :

Total valuation of real and personal property as assessed by the Board of Assessors and announced August 10, 1884 = \$928,092,456.

The city tax . . .	\$10,435,732 00 is . . .	1.12442%
The county tax . . .	756,759 00 is . . .	.08154%
The State tax . . .	698,457 97 is . . .	.07526%
The total tax . . .	\$11,890,948 97 is . . .	1.28122%

Rate declared August 10, 1894, as follows .

City	\$11 24 in the \$1,000
County	81 " " "
State	75 " " "
Total	<u>. \$12 80 " " "</u>

TABLE NO. 8.

ORDINARY DEPARTMENT EXPENDITURES.

1884-5 TO 1893-4.

Table No. 8.
ORDINARY DEPARTMENT EXPENDITURES.

	1884-85.	1885-86.	1886-87.	1887-88.
Ancient Records Department. . .	\$4,324 08	\$4,002 26	\$4,107 24	\$3,667 95
Architect Department.	14,638 09	17,792 49	18,955 06	24,344 47
Assessing Department.	104,955 69	107,220 63	108,284 86	110,533 59
Auditing Department.	18,319 59	20,571 62	22,998 87	23,717 59
Board of Aldermen.	5,870 30	6,030 02	10,513 75	10,782 29
Soldier's Relief ¹			60,000 00	
Board of Police:	942,010 01	953,155 99	1,072,452 14	1,080,993 26
Department Expenses	942,010 01	953,155 99	1,072,452 14	1,080,993 26
Liquor Licenses, Expenses				
Police Signal Expenses.				
City Clerk Department:	19,809 50	19,026 00	19,728 24	20,228 72
General Expenses.	19,809 50	19,026 00	19,328 24	20,228 72
Election Expenses				
City Council:				
Contingent Fund, Joint Commit-				
tees.	9,074 53	10,120 51	5,078 82	11,411 97
Incidental Expenses	58,184 62	54,911 39	79,400 13	55,242 99
City Messenger Department.	5,105 55	5,150 00	17,997 60	19,073 49
Clerk of Committees Department.	5,820 00	5,419 16	6,702 40	7,518 84
Collecting Department.	51,835 45	52,835 96	53,939 40	58,636 91
Common Council.	10,991 28	11,354 88	13,339 71	13,026 36
Engineering Department.	30,047 95	29,999 28	29,999 29	32,999 94
Ferry Department.	234,877 56	230,209 04	189,737 51	207,652 69
Fire Department, including Inspec-				
tion of Wires	696,017 15	695,104 49	713,763 74	772,989 21
Harvard Bridge Commissioners.				
Health Department.	109,173 37	126,269 74	114,609 20	107,667 16
Hospital Department	155,499 45	166,616 58	174,324 43	182,541 83
Inspection of Buildings Department, ...	43,771 22	41,982 59	48,766 41	50,908 82
Inspection of Milk and Vinegar	3,781 94			
Department		10,467 03	8,761 55	8,994 01
Inspection of Provisions Depart-				
ment.			363 92	2,221 15
Lamp Department:	481,001 98	499,937 50	524,923 45	573,661 15
Electric Lights.	91,813 48	101,978 65	111,572 51	131,097 97
Gas	251,503 19	257,906 90	262,483 69	262,236 19
Care and Cleaning Lamps.	102,115 77	103,813 86	109,812 86	121,740 91
Oil and Naphtha Lighting.	5,100 34	5,253 78	5,193 29	5,468 84
Miscellaneous	30,469 20	30,984 31	35,861 10	53,117 24
Law Department.	22,743 21	22,942 30	23,199 85	23,484 28
Library Department.	128,396 18	117,558 03	129,081 07	126,949 85
Market Department	9,724 91	9,576 28	9,698 63	9,787 71
Mayor	7,296 85	18,105 11	21,551 74	22,853 56
Mount Hope Cemetery Depart-				
ment ¹	15,000 00	10,000 00	14,000 00	10,000 00
Park Department	16,049 68	20,372 03	24,220 55	21,465 44

¹ Amount paid from taxes.

Table No. 8.—*Continued.*

ORDINARY DEPARTMENT EXPENDITURES.

1888-89.	1889-90.	1890-91.	9 months, 1891-92.	1892-93.	1893-94.
\$4,480 61	\$4,414 71	\$4,515 17	\$2,917 55	\$2,037 50	
22,396 67	19,365 01	22,563 50	16,876 24	22,216 16	\$22,338 41
109,764 50	109,293 94	114,864 22	110,639 64	140,523 90	136,934 31
23,816 11	24,044 65	25,518 25	20,163 91	27,200 00	28,700 00
14,307 48	22,333 15	22,354 31	18,879 45	25,044 13	29,336 00
15,000 00	30,000 00	42,000 00	65,000 00	82,000 00	75,000 00
1,140,346 25	1,134,867 48	1,136,102 76	876,489 35	1,143,396 62	1,280,530 02
1,140,346 25	1,134,867 48	1,136,102 76	876,489 35	1,143,396 62	1,196,498 28
.....	.....	.....	.....	.....	32,527 87
.....	.....	.....	.....	.....	51,503 87
21,082 87	21,469 44	59,905 27	60,099 63	71,998 57	78,568 87
21,082 87	21,469 44	37,069 58	21,979 70	32,915 18	33,894 40
.....	.....	32,835 69	38,119 93	39,083 39	44,674 47
13,058 51	6,044 38	10,520 26	14,768 65	6,343 46	8,948 06
49,282 43	38,708 04	31,496 33	28,882 26	67,485 83	51,542 48
20,576 72	21,939 97	23,751 11	17,719 06	24,749 13	25,638 04
7,546 90	7,638 28	9,489 99	7,970 24	11,551 64	12,016 92
60,798 69	61,564 58	71,504 63	63,661 66	39,399 40	85,998 08
10,757 79	13,376 94	11,560 07	6,656 19	10,785 88	10,607 12
33,890 21	34,965 54	35,465 78	26,989 69	39,999 22	41,999 91
214,846 22	194,967 77	204,520 72	158,905 56	211,567 19	213,746 76
853,824 19	854,928 54	910,659 27	777,859 72	989,225 26	1,018,712 64
.....	.....	3,159 58	1,920 44	3,141 64	.....
113,512 39	115,719 23	117,802 45	105,170 31	142,709 89	147,588 32
219,239 58	229,040 45	225,624 92	189,714 62	255,610 49	261,025 36
58,997 47	67,990 70	59,992 36	50,307 11	68,511 75	70,417 35
9,158 13	9,133 32	11,436 80	8,109 67	11,195 39	12,498 68
2,600 62	2,236 70	2,362 26	1,797 88	3,232 13	3,167 03
566,961 91	592,317 70	541,757 64	420,179 21	582,113 83	572,293 70
158,503 26	184,210 07	149,248 91	146,908 73	216,451 00	225,776 82
234,411 02	229,026 53	213,054 94	134,883 09	193,702 52	169,919 17
124,974 40	127,607 86	127,633 11	98,020 04	109,892 23	92,562 00
6,902 24	8,695 82	9,876 62	5,806 26	27,748 43	59,299 54
42,170 99	42,777 42	41,944 06	34,561 09	34,319 65	24,736 17
23,719 66	28,743 15	28,606 77	21,829 66	29,424 05	30,901 01
146,518 11	161,827 42	152,576 11	119,826 45	170,251 30	165,309 63
9,615 63	9,584 84	11,691 88	7,508 10	11,588 36	12,133 49
22,730 63	19,065 65	25,079 61	21,573 42	32,017 31	42,540 76
10,000 00	.....	2,500 00	6,000 00	10,000 00	10,391 67
34,692 80	50,556 24	58,682 11	62,229 32	77,779 88	106,431 80

¹ Includes entertainment of distinguished guests.² Includes entertainment of distinguished guests and expenses of Bay State gas investigation.

Table No. 8.—*Continued.*

ORDINARY DEPARTMENT EXPENDITURES.

	1884-85.	1885-86.	1886-87.	1887-88.
Printing Department ¹	\$41,000 00	\$38,500 00	\$40,000 00	\$47,000 00
Public Buildings Department:	162,228 28	162,550 11	131,648 21	160,229 27
General Expenses, care, repairs, etc.	118,087 80	115,224 94	77,939 58	102,091 88
Armories	26,295 66	29,123 83	29,762 25	33,229 65
Rents	17,844 82	18,201 34	23,946 38	24,907 74
Election Expenses				
Public Celebrations	19,350 24	20,424 90	19,556 46	20,343 14
Public Grounds Department	66,710 11	66,565 02	63,524 34	65,982 19
Public Institutions	505,316 31	508,468 14	525,689 41	557,697 48
Registration of Voters	26,203 75	27,858 12	28,390 02	29,503 00
Registry Department	12,233 68	12,158 07	13,087 22	13,566 29
Relief of the Poor Department	115,328 78	109,126 90	108,825 09	104,399 14
School Committee:	1,701,967 80	1,672,762 12	1,647,051 96	1,755,736 78
General Expenses	1,503,908 69	1,484,326 49	1,483,940 58	1,535,548 98
School-Houses	198,059 11	188,435 63	163,111 38	220,187 80
Sealing of Weights and Measures ..	9,588 26	10,088 40	11,077 35	10,364 07
Sinking-Funds Department	1,572 15	1,730 22	2,330 95	2,401 91
Street Department:	2,131,896 71	1,552,298 26	1,422,624 65	1,655,771 73
Central Office				
Bridge Division	70,328 31	76,406 72	91,941 88	98,456 74
Cambridge Bridges Division	8,397 22	6,816 50	11,172 97	6,668 98
Paving Division	1,248,415 30	791,145 32	667,199 83	821,430 61
Sanitary Division	433,424 38	431,842 73	452,125 40	503,713 86
Sewer Division	328,894 50	202,232 31	155,244 18	174,135 81
Street-Cleaning Division				
Street Police Division				
Watering	42,437 00	43,854 68	44,940 35	51,365 73
Street Laying Out Department, office expenses	12,146 02	13,879 06	13,879 06	13,685 11
Surveying Department	29,999 59	31,144 93	31,144 93	32,000 00
Treasury Department	28,953 07	28,570 10	28,570 10	32,566 23
Advertising	2,085 53	1,828 81	1,828 81	2,034 21
Election Expenses	13,899 01	12,957 02	12,957 02	12,002 91
Boston Harbor	5,481 41	3,124 82	3,124 82	6,839 31
Cedar Grove Cemetery ¹	8,825 00	4,000 00	4,000 00	
Chestnut Hill Driveway	2,997 48	3,165 38	3,166 38	
Free Concerts	2,973 05	2,980 10	2,980 10	
County of Suffolk	380,923 70	416,970 03	416,970 02	472,019 24
House of Correction	109,227 37	98,050 55	98,050 55	102,247 72
Totals	\$8,595,227 44	\$8,065,922 97	\$8,162,063 91	\$8,692,764 96

¹ Amount paid from taxes.

Table No. 8.—*Concluded.*

ORDINARY DEPARTMENT EXPENDITURES.

1888-89.	1889-90.	1890-91.	9 months. 1891-92.	1892-93.	1893-94.
\$46,000 00 178,871 34	\$46,500 00 175,430 69	\$47,500 00 185,747 98	\$39,000 00 162,485 78	\$45,000 00 185,369 78	\$45,000 00 157,481 27
117,357 17 42,770 24 18,743 93	117,768 48 38,877 09 18,785 12	118,134 00 26,604 56 21,092 61 19,916 81	108,837 33 14,843 46 20,195 90 18,609 09	113,303 42 17,770 55 29,432 52 24,863 29	82,414 08 17,676 43 30,275 00 27,115 76
22,201 15 74,282 50 590,655 28 38,994 16 13,883 85 114,984 00 1,847,601 26	25,470 51 83,852 62 577,555 71 50,940 30 14,132 60 110,006 69 1,898,593 88	50,486 52 94,248 93 567,442 13 43,033 13 14,494 84 110,269 98 1,946,684 03	26,705 11 82,180 54 419,561 34 34,618 60 8,503 28 75,912 01 1,500,208 29	27,479 63 95,200 00 569,603 66 46,089 77 20,068 66 109,615 76 1,988,606 15	35,078 13 82,582 09 606,894 92 45,007 04 32,604 52 112,544 78 2,011,610 24
1,595,865 09 251,736 17	1,653,351 76 245,242 12	1,684,162 03 262,522 00	1,295,329 02 204,879 27	1,766,800 62 221,805 53	1,821,145 18 190,465 06
10,423 50 2,448 82 1,901,243 01	10,537 61 2,457 51 1,659,331 15	11,690 19 2,416 52 1,950,891 26	9,292 90 1,822 30 1,794,795 67	18,316 71 2,324 92 2,177,095 87	19,349 73 2,380 87 2,174,095 35
94,778 87 5,935 12 776,099 89 493,347 31 490,495 24 40,586 58	99,891 82 8,966 15 669,955 59 490,044 90 342,635 23 47,837 46	108,201 10 8,770 70 867,507 93 527,212 16 381,232 03 57,967 34	16,050 00 98,236 54 10,322 94 648,600 32 330,567 64 370,825 28 215,464 92 464 41 104,263 62	18,793 60 128,954 37 11,079 76 707,960 99 469,370 74 458,108 19 288,320 42 94,507 80	20,805 96 133,159 94 11,493 16 745,681 52 481,300 63 373,517 38 308,707 30 99,430 16
13,754 34 33,495 91 36,049 55 2,168 08 14,283 07 3,625 14 522,921 63 110,756 84	13,434 44 35,000 00 37,048 70 2,496 24 119,135 35 530,168 77 100,035 96	13,580 67 38,271 56 36,775 77 507,755 66 87,984 24	10,980 76 29,205 98 28,915 67 378,215 52 67,875 14	18,916 92 35,193 87 38,583 59 520,009 12 91,191 10	17,377 67 48,163 39 39,391 50 549,018 91 97,592 36
\$9,412,166 51	\$9,378,266 55	\$9,687,337 54	\$7,960,923 88	\$10,346,765 42	\$10,631,489 19

Table No. 9.
PAYMENTS FOR SALARIES AND WAGES, 1893-94.

	Heads of Departments.	Assistants.	Clerk-hire.	Wages.	Totals.
Architect Dept.	\$3,500 00	\$15,271 05			\$18,771 05
Assessing Dept.	27,633 33	39,349 00	\$57,319 00		124,301 33
Auditing Dept.	5,000 00		22,325 00		27,325 00
Board of Aldermen	18,000 00		1,260 50		19,260 50
Soldiers' Relief	3,500 00		6,018 66		9,518 66
City Clerk Dept.	5,000 00	3,800 00	19,819 36		28,619 36
City Messenger Dept. . .	2,991 56	12,758 74			15,750 30
Clerk of Committees Dept.	3,500 00	2,500 00	4,263 15		10,263 15
Collecting Dept.	5,000 00	42,090 22	31,975 56		79,065 78
Common Council	3,000 00		1,596 98		4,596 98
Engineering Dept.	6,000 00	28,620 89			34,620 89
Ferry Dept.	3,500 00	133,677 99	3,500 00		140,677 99
No. Ferry, Boston side, Wid'g berth		573 00			573 00
Fire Dept.	10,470 72	736,375 36	8,077 31	\$20,993 55	775,916 94
Fire Alarm	3,190 72	43,989 00			47,179 72
Health Dept.	9,000 00	49,347 97	9,059 08	24,065 89	91,472 94
Hospital Dept.	4,000 00			68,425 13	72,425 13
New Bldgs., City Hospital		760 00			760 00
Improved Sewerage		8,556 24		42,862 55	51,418 79
Inspection of Bldgs. Dept.	5,000 00	44,000 00	14,690 33		63,690 33
Board of Appeal	1,035 00	299 40			1,334 40
Inspection of Milk and Vine- gar Dept.	3,000 00	7,620 50			10,620 50
Inspec. of Provisions Dept.	1,700 00	733 34			2,433 34
Lamp Dept.	3,500 00		2,700 00	92,562 00	98,762 00
Law Dept.	6,000 00	22,083 32	947 56		29,030 88
Laying Out and Construc- tion of Highways	12,500 00	44,157 50	2,500 00	125,311 60	184,469 10
Library Dept.	4,986 80	92,745 07			97,731 87
Market Dept.	3,000 00	7,581 95			10,581 95
Mayor	10,000 00		8,926 66		18,926 66
<i>Carried forward</i>	\$164,008 13	\$1,336,890 54	\$194,979 15	\$374,220 72	\$2,070,098 54

PAYMENTS FOR SALARIES AND WAGES, 1893-94. — *Cont'd.*

	Heads of Departments.	Assistants.	Clerk-hire.	Wages.	Totals.
<i>Brought forward</i> . . .	\$164,008 13	\$1,336,890 54	\$194,979 15	\$374,220 72	\$2,070,098 54
Mt. Hope Cemetery Dept.	4,300 00		929 65	26,989 02	32,218 67
Overseeing of the Poor Dept.		24,355 00	7,900 00		32,255 00
Park Dept.			5,071 91	72,945 19	78,017 10
Public Parks		13,338 20	2,839 32	223,249 39	239,426 91
Police Dept.	12,500 00	1,126,401 91	9,379 85	17,649 71	1,165,931 47
Printing Dept.	2,991 56		2,299 68		5,291 24
Public Buildings Dept. . .	3,600 00	17,784 91	6,908 80		28,293 71
Public Grounds Dept. . .	3,000 00	1,800 00	1,500 00	44,111 67	50,411 67
City Nursery and Green- houses				6,495 94	6,495 94
Public Institutions:					
Office Expenses . . .	11,000 00		8,800 00		19,800 00
House of Industry . .	2,500 00	35,003 17		2,520 00	40,023 17
Lunatic Hospital . . .	2,500 00	27,307 62			29,807 62
Marcella-street Home .	2,000 00	10,864 92			12,864 92
Alms-house, Charles- town	1,300 00	1,617 99			2,917 99
Home for Paupers:					
Rainsford and Long Islands	562 50	2,419 95			2,982 45
Rainsford Island . . .	1,687 50	2,860 00			4,547 50
Long Island	1,330 00	6,323 69			7,653 69
Pauper Expenses . . .		9,321 56			9,321 56
Steamer "J. Putnam Bradlee"		8,460 00			8,460 00
New Bldgs., Long Island .				180 00	180 00
New Lunatic Hospital . .				6,805 97	6,805 97
Registration of Voters Dept.	9,000 00	5,408 00	15,060 78		29,468 78
Registry Dept.	4,000 00		14,043 60		18,043 60
School Committee		1,579,688 38	11,398 50		1,591,086 88
<i>Carried forward</i>	\$226,279 69	\$4,209,845 84	\$281,111 24	\$775,167 61	\$5,492,404 38

PAYMENTS FOR SALARIES AND WAGES, 1893-94. — *Cont'd.*

	Heads of Departments.	Assistants.	Clerk-hire.	Wages.	Totals.
<i>Brought forward</i> . . .	\$226,279 69	\$4,209,845 84	\$281,111 24	\$775,167 61	\$5,492,404 38
Public Building, Schools .	1,400 00	6,400 00			7,800 00
Sealing of Weights and Measures	2,991 04	11,452 40	1,235 18		15,678 62
Sinking-Funds Dept.		1,400 00	700 00		2,100 00
Street Dept. :					
Central Office	7,500 00	6,962 78	2,599 20		17,061 98
Bridge Division	3,000 00	54,715 62	4,412 60	32,065 63	94,193 85
Camb'dge Bridges Div.		3,861 00	250 00		4,111 00
Paving Division	3,500 00	16,644 51	12,412 33	306,266 53	338,823 37
Sundry Appropriations		5,422 71		190,496 23	195,918 94
Sanitary Division	3,000 00		5,511 60	299,059 05	307,570 65
Sewer Division	3,500 00	33,541 25	8,409 13	177,519 77	222,970 15
Sundry Sewers		566 00		1,831 28	2,397 28
Street-Cleaning Div.	3,000 00	137 22	4,530 80	218,412 40	226,080 42
Watering Division				9,693 73	9,693 73
Abolishment of Grade Crossings		2,069 50			2,069 50
Allston Bridge		119 50			119 50
Sundry Bridges		360 25		810 40	1,170 65
Street Laying Out Dept.	9,000 00		2,500 00		11,500 00
Surveying Dept.	3,840 76	38,663 54			42,504 30
Treasury Dept.	6,000 00		28,300 00		34,300 00
Cochituate Water-Works (Supply)	7,011 11	32,121 06	14,417 69	205,447 72	258,997 58
Cochituate Water-Works (Income)	3,600 00	43,166 99			46,766 99
Add'l Supply of Water		2,965 22		63,414 39	66,379 61
Extension of Mains, etc.		1,099 98		73,102 26	74,202 24
High Service				540 95	540 95
Mystic Water-Works (Sup- ply)	4,006 40	8,072 85	2,594 44	83,652 70	98,326 39
<i>Carried forward</i>	\$287,629 00	\$4,479,588 22	\$368,984 21	\$2,437,480 65	\$7,573,682 08

PAYMENTS FOR SALARIES AND WAGES, 1893-94.—*Concluded.*

	Heads of Departments.	Assistants.	Clerk-hire.	Wages.	Totals.
<i>Brought forward</i>	\$287,629 00	\$4,479,588 22	\$368,984 21	\$2,437,480 65	\$7,573,682 08
Mystic Water-Works (In- come)				9,870 72	9,870 72
Library Building, Dart- mouth street				4,714 50	4,714 50
Buildings, Gallop's Island and Swett street		60 00			60 00
	\$287,629 00	\$4,479,648 22	\$368,984 21	\$2,452,065 87	\$7,588,327 30

Table No. 10.

PAYMENTS FOR PENSIONS, ETC.

	Fire Department.	Police Department.	Police Charitable Fund.
1872-73			\$21 50
1873-74			20 00
1874-75			300 00
1875-76			839 00
1876-77			1,531 00
1877-78			1,910 00
1878-79			¹ 8,109 00
1879-80		\$3,040 00	² 14,232 75
1880-81		14,259 00	4,705 00
1881-82		15,544 00	5,300 00
1882-83		20,945 94	5,660 00
1883-84		22,936 24	6,690 00
1884-85	\$595 50	25,577 98	7,265 00
1885-86	1,775 00	27,872 67	7,940 00
1886-87	1,905 00	28,696 46	8,485 00
1887-88	1,992 86	29,235 16	8,845 00
1888-89	3,641 28	29,770 36	9,035 00
1889-90	8,175 02	31,407 92	9,060 00
1890-91	12,348 05	31,459 96	7,445 00
1891-92	10,360 42	23,883 17	8,411 34
1892-93	13,524 89	31,632 68	8,830 00
1893-94	23,415 48	64,303 55	9,175 00
	\$77,733 50	\$400,565 09	³ \$133,809 59

¹ Five pension rolls, \$5,609, paid from this amount.² Nine pension rolls, \$7,980, paid from this amount.³ Paid from fees of police officers, earned in municipal courts.

Table No. 11.

WAR PAYMENTS.

	Expenditures.	Receipts.		Expenditures.	Receipts.
Recruiting:			<i>Brought forward</i>	\$4,675,071 45	\$2,258,981 34
1862-63	\$937,012 26	\$42,350 00	1875-76	84,219 50	86,100 00
1863-64, State			1876-77	82,225 36	81,900 00
Bounty Tax,	255,365 52	64,296 00	1877-78	81,629 51	84,254 57
1863-64	513,026 41		1878-79	119,981 12	79,730 88
1864-65	549,050 43	150,086 84	1879-80	91,445 66	109,498 00
1867-68		60 00	1880-81	99,020 21	81,819 50
1868-69		1,489 97	1881-82	100,310 55	78,610 00
Other Expenses:			1882-83	97,276 61	80,567 50
1861-62	90,151 63	6 52	1883-84	92,475 79	83,538 68
1862-63	15,856 53		1884-85	94,134 31	80,505 07
1863-64	33,010 34		1885-86	97,052 74	75,625 50
1864-65	19,457 60	1,061 23	1886-87	96,911 46	78,619 00
1865-66	23,371 13	8,580 00	1887-88	99,516 82	79,671 00
1866-67	19,795 05		1888-89	105,254 35	82,030 50
1867-68	7,750 98		1889-90	115,726 75	85,966 00
1868-69	1,959 00		1890-91	137,095 56	90,910 75
1869-70	900 50		1891-92	120,007 54	102,273 00
1870-71	52 00		1892-93	177,520 01	109,778 62
1886-87	40,000 00		1893-94	182,516 59	142,974 48
Soldiers' Relief:			Burial Expenses,		
1861-62	129,309 00	479 12	chap. 395,		
1862-63	309,553 09	61,071 02	Acts 1889:		
1863-64	297,328 33	257,066 51	1889-90	1,772 00	
1864-65	293,987 67	310,759 87	1890-91	2,247 50	
1865-66	117,469 30	290,007 28	1891-92	2,647 50	932 25
1866-67	257,407 60	164,000 00	1892-93	3,968 00	1,177 50
1867-68	109,179 79	205,000 00	1893-94	4,818 02	1,845 00
1868-69	108,709 95	145,387 63			
1869-70	102,845 29	102,500 00		\$6,764,844 91	\$3,957,309 14
1870-71	96,564 20	99,043 00	Gross Expendi-		
1871-72	89,942 41	95,500 00	tures	\$6,764,844 91	
1872-73	83,940 45	87,700 00	Gross Receipts..	3,957,309 14	
1873-74	83,435 12	81,600 00			
1874-75	88,639 87	90,936 35	Net Expenses,	\$2,807,535 77	
<i>Carried forward</i>	\$4,675,071 45	\$2,258,981 34			

Table No. 12.

SURPLUS REVENUE,
and its Disposition at Close of each Fiscal Year.

	Amount.	Disposition of.	Authority.
1822-3	\$16,589 67	Carried forward	
1823-4	16,468 24	"	
1824-5	51,655 40	"	
1825-6	14,516 32	"	
1826-7	35,640 02	Sinking-Fund	Order City Council, April 23, 1827.
1827-8	1,617 50	"	"
1828-9	Deficit	\$3,688 12	
1829-30	"	9,762 59	
1830-1	"	5,134 61	
1831-2	218 82	Sinking-Fund	"
1832-3	669 74	"	"
1833-4	3,591 57	"	R. O. of 1834, chap. 51, sects. 3 and 4.
1834-5	333 92	"	"
1835-6	14,381 41	"	"
1836-7	12,268 57	"	"
1837-8	59,730 98	"	"
1838-9	73,178 89	"	"
1839-40	196 27	"	"
1840-1	5,741 95	"	"
1841-2	19,531 68	"	"
1842-3	46,205 63	"	"
1843-4	74,870 67	"	"
1844-5	130,872 56	"	"
1845-6	131,723 60	"	"
1846-7	35,400 08	"	"
1847-8	213 30	"	"
1848-9	Deficit	\$27,758 85	
1849-50	9,553 91	Sinking-Fund	"
1850-1	60,391 51	"	R. O. of 1850 on Finance, sects. 9 and 10.
1851-2	5,605 59	"	"
1852-3	122,912 66	"	"
1853-4	157,343 79	"	"
1854-5	161,667 53	"	"
1855-6	47,937 23	"	"
1856-7	81,645 44	"	R. O. of 1856 on Finance, sects. 9 and 10.
1857-8	85,064 71	"	"
1858-9	289,175 64	"	"
1859-60	297,515 63	"	"
1860-1	263,150 90	"	"
1861-2	202,721 22	"	"
1862-3	227,337 38	"	"
1863-4	149,481 89	"	R. O. of 1863 on Finance, sects. 9 and 10.
1864-5	151,889 08	"	"
1865-6	1,064,348 17	"	"
1866-7	1,101,760 66	"	"
1867-8	1,096,546 14	"	"
1868-9	1,067,878 44	"	"
1869-70	1,272,139 14	"	R. O. of 1869 on Finance, sects. 9 and 10.

Table No. 12. — *Concluded.*

SURPLUS REVENUE,
and its Disposition at Close of each Fiscal Year.

	Amount.	Disposition of.	Authority.
1870-1	\$1,156,660 84	Sinking-Fund	R. O. of 1869 on Finance, sect. 9, and Ord. of Dec. 24, 1870.
1871-2	894,116 69	"	R. O. of 1869, and Ord. of Dec. 24, 1870.
1872-3	249,475 47	"	"
1873-4	612,002 95	"	"
1874-5	742,084 08	"	"
1875-6	993,595 31	"	"
1876-7	715,164 28	Remained in Treasury for the benefit of the appropriations of the next year.	Ord. on Finance, Mar. 27, 1877, sect. 2.
1877-8	712,646 42	"	"
1878-9	713,509 22	"	"
1879-80	445,781 81	"	"
1880-1	906,266 49	"	"
1881-2	865,601 10	"	"
1882-3	842,705 60	"	R. O. of 1883, chap. 15, sect. 10.
1883-4	883,787 23	"	"
1884-5	991,111 21	"	"
1885-6	769,830 36	"	R. O. of 1885, chap. 15, sect. 9.
1886-7	500,977 45	"	"
1887-8	197,414 95	"	"
1888-9	223,421 82	"	"
1889-90	303,537 95	"	R. O. of 1890, chap. 10, sect. 5.
1890-1	403,373 27	"	"
1891-2	84,034 10	"	"
1892-3	400,537 66	"	R. O. of 1892, chap. 39, sect. 5.
1893-4	89,291 28	"	"

Table No. 13.

TOTAL EXPENDITURES

Of the City of Boston and County of Suffolk, Exclusive of
Debt and Temporary Loans Redeemed, from 1855 to
1894.

Year.	Interest on Debt and Temporary Loan.	State Tax.	Other City Expenditu's.	Total actual Expenditur's on account of City.	County.	Total.
1855-56 . .	\$365,934 86	\$148,036 50	\$2,094,975 18	\$2,608,946 54	\$187,437 09	\$2,796,383 63
1856-57 . .	378,220 57	155,509 95	2,309,926 82	2,843,657 34	191,422 26	3,035,079 60
1857-58 . .	399,481 68	337,945 05	2,795,548 27	3,532,975 00	207,252 91	3,740,227 91
1858-59 . .	440,615 40	107,608 44	2,661,178 83	3,209,402 67	190,112 60	3,399,515 27
1859-60 . .	448,714 99	98,694 00	2,823,484 35	3,370,893 34	207,478 40	3,578,371 74
1860-61 . .	446,026 31	82,245 00	2,879,970 44	3,408,241 75	174,850 24	3,583,091 99
1861-62 . .	463,119 04	94,575 00	2,710,732 66	3,268,426 70	170,225 21	3,438,651 91
1862-63 . .	688,861 67	1578,270 56	3,782,979 34	5,050,111 57	153,594 98	5,203,706 55
1863-64 . .	824,068 34	21,269,626 41	3,000,767 61	5,094,462 36	152,867 32	5,247,329 68
1864-65 . .	1,505,144 71	756,600 00	3,752,200 35	6,013,945 06	146,619 60	6,160,564 66
1865-66 . .	1,889,397 69	1,592,501 00	3,866,973 09	6,348,871 78	173,050 06	6,521,921 84
1866-67 . .	1,035,145 74	1,016,490 00	4,276,046 93	6,327,682 67	205,937 10	6,533,619 77
1867-68 . .	1,277,278 13	1,694,150 00	5,128,986 84	8,100,414 97	233,245 65	8,333,660 62
1868-69 . .	1,152,377 79	723,140 00	7,614,331 26	9,489,849 05	226,488 17	9,716,337 26
1869-70 . .	1,179,668 64	903,925 00	10,467,741 61	12,551,335 25	314,840 81	12,866,176 01
1870-71 . .	1,500,433 36	933,775 00	9,789,982 87	12,224,191 23	272,342 38	12,496,533 62
1871-72 . .	1,560,489 26	933,775 00	9,650,712 08	12,144,976 34	271,941 38	12,416,917 70
1872-73 . .	1,859,283 56	736,480 00	11,991,630 39	14,587,393 95	337,526 95	14,924,920 98
1873-74 . .	2,279,398 06	828,540 00	15,133,971 71	18,241,909 77	310,702 71	18,552,612 48
1874-75 . .	2,671,496 12	802,120 00	11,542,694 17	15,016,310 29	272,321 99	15,388,632 21
1875-76 . .	2,607,933 20	802,120 00	11,704,336 52	15,114,389 72	261,510 29	15,475,900 09
1876-77 . .	2,672,057 28	742,932 00	10,805,276 07	14,120,265 35	345,976 34	14,466,241 68
1877-78 . .	2,461,600 59	619,110 00	10,434,694 47	13,515,405 06	328,646 92	13,844,051 91
1878-79 . .	2,352,160 26	412,740 00	9,413,015 15	12,177,915 41	327,833 50	12,505,748 90
1879-80 . .	2,377,050 59	206,370 00	9,320,836 79	11,904,257 38	296,140 82	12,200,398 20
1880-81 . .	2,220,171 43	619,110 00	10,252,967 39	13,082,248 82	305,871 68	13,388,120 68
1881-82 . .	2,188,564 72	619,110 00	10,422,476 44	13,230,151 16	338,261 12	13,568,412 28
1882-83 . .	2,184,580 49	825,480 00	11,879,562 33	14,889,622 82	362,908 06	14,252,530 81
1883-84 . .	2,227,045 73	578,055 00	12,852,436 08	15,657,536 81	368,352 40	15,025,889 21
1884-85 . .	2,238,518 17	770,740 00	12,456,798 17	15,466,056 34	393,785 77	15,859,842 21
1885-86 . .	2,242,102 19	578,055 00	11,480,449 18	14,300,606 37	352,613 93	15,153,220 30
1886-87 . .	2,237,479 04	558,870 00	11,542,638 27	14,335,987 31	999,056 20	15,335,043 51
1887-88 . .	2,315,833 49	833,805 00	12,920,866 74	16,070,505 23	1,086,026 43	17,156,531 66
1888-89 . .	2,324,476 50	833,805 00	12,974,131 56	16,132,413 06	1,334,640 21	17,467,053 27
1889-90 . .	2,353,755 54	738,420 00	13,508,467 28	16,600,272 82	1,265,160 36	17,865,433 18
1890-91 . .	2,447,882 87	645,767 50	14,585,464 60	17,679,114 97	1,133,121 18	17,812,236 15
Nine mos. ending Jan.						
31, 1892 . .	1,784,671 04	553,515 00	13,856,842 03	16,195,028 07	777,496 32	16,972,524 39
1892-93 . .	2,522,587 58	640,062 50	16,954,626 31	20,117,276 39	1,183,388 65	21,300,665 04
1893-94 . .	2,476,430 94	914,375 00	17,287,020 68	20,677,826 62	1,019,172 73	21,696,999 35

¹ Including \$221,262.00, National direct tax assumed and paid by the State.

² Including \$513,026.41, State Bounty Tax.

Table No. 14.

TOTAL DEBT ISSUED

In each Financial Year between 1822 and 1865-66, and in each Calendar Year since 1865-66.

1822 (town debt), \$100,000 00	1858-9 . . . \$1,232,950 00
1822-3 . . . 3,550 00	1859-60 . . . 735,800 00
1823-4 . . . 103,500 00	1860-1 . . . 992,700 00
1824-5 . . . 283,257 75	1862-3 . . . 1,604,850 00
1825-6 . . . 318,685 32	1863-4 . . . 850,000 00
1826-7 . . . 873,475 00	1864-5 . . . 639,709 80
1827-8 . . . 181,000 00	1865-6 . . . 712,150 00
1828-9 . . . 147,250 00	1866 . . . 1,499,000 00
1829-30 . . . 295,480 75	1867 . . . 1,037,175 00
1830-1 . . . 281,000 00	1868 . . . 2,937,000 00
1831-2 . . . 199,743 18	1869 . . . 531,500 00
1832-3 . . . 466,592 53	1870 . . . 3,561,500 00
1833-4 . . . 593,044 00	1871 . . . 5,238,000 00
1834-5 . . . 744,626 69	1872 . . . 2,981,000 00
1835-6 . . . 707,186 03	1873 . . . 7,255,176 65
1836-7 . . . 359,304 65	1874 . . . 4,478,500 00
1837-8 . . . 217,300 00	1875 . . . 2,206,200 00
1838-9 . . . 283,200 00	1876 . . . 3,533,300 00
1839-40 . . . 478,332 56	1877 . . . 667,000 00
1840-1 . . . 345,000 00	1878 . . . 1,349,000 00
1841-2	1879 . . . 1,890,000 00
1842-3	1880 . . . 2,701,000 00
1843-4	1881 . . . 123,000 00
1844-5 . . . 11,566 62	1882 . . . 2,078,500 00
1845-6 . . . 109,653 16	1883 . . . 3,278,500 00
1846-7 . . . 297,860 32	1884 . . . 1,837,500 00
1847-8 . . . 1,419,683 39	1885 . . . 1,742,700 00
1848-9 . . . 1,085,367 51	1886 . . . 3,838,800 00
1849-50 . . . 528,371 23	1887 . . . 3,324,700 00
1850-1 . . . 1,195,285 00	1888 . . . 1,529,300 00
1851-2 . . . 1,180,513 05	1889 . . . 3,784,000 00
1852-3 . . . 2,044,711 11	1890 . . . 5,462,000 00
1853-4 . . . 944,118 00	1891 . . . 2,716,500 00
1854-5 . . . 306,400 00	1892 . . . 2,642,800 00
1855-6 . . . 158,100 00	1893 . . . 6,115,525 00
1856-7 . . . 431,900 00	1894 . . . 5,808,800 00
1857-8 . . . 1,168,400 00	

Table No. 15.

THE SINKING-FUNDS TO 1871.

Receipts of Committee on Reduction of Debt from 1827
to April 30, 1871.

Fiscal Year.	Sales of Land, Rents, etc.	Interest.	Unexpended Balances, etc.	Taxes.	Miscellaneous.	Total.
1827-28	\$45,407 43	\$486 59	\$35,640 02	\$15,000 00	.....	\$96,534 04
1828-29	30,785 00	.....	1,617 50	15,000 00	.....	47,402 50
1829-30	44,260 81	.....	4,530 61	20,000 00	.....	68,791 42
1830-31	24,678 55	.....	5,438 80	15,000 00	.....	45,117 35
1831-32	42,414 56	.....	865 39	20,000 00	.....	63,279 95
1832-33	18,159 71	.....	218 82	20,000 00	.....	38,378 53
1833-34	37,872 24	.....	669 74	15,000 00	.....	53,541 98
1834-35	74,253 30	.....	3,591 57	15,000 00	.....	92,844 87
1835-36	58,631 49	.....	333 92	15,000 00	.....	73,965 41
1836-37	29,012 24	.....	14,381 41	15,000 00	.....	58,393 65
1837-38	18,393 67	.....	12,268 57	15,000 00	.....	45,662 24
1838-39	20,152 44	.....	59,730 98	15,000 00	.....	94,883 42
1839-40	14,182 77	.....	73,178 89	45,000 00	.....	132,361 66
1840-41	15,578 92	.....	5,938 22	45,000 00	.....	66,517 14
1841-42	20,968 48	.....	19,531 68	50,000 00	.....	90,500 16
1842-43	15,414 20	.....	46,205 63	50,000 00	.....	111,619 83
1843-44	86,406 79	.....	74,870 67	50,000 00	.....	211,277 46
1844-45	112,643 93	.....	61,706 60	50,000 00	.....	224,350 53
1845-46	192,138 18	.....	11,306 41	50,000 00	.....	253,444 59
1846-47	171,386 19	.....	35,400 08	50,000 00	.....	256,786 27
1847-48	93,749 42	.....	213 30	50,000 00	*\$250 00	144,212 72
1848-49	89,863 99	.....	.....	50,000 00	.....	139,863 99
1849-50	64,476 58	.....	9,553 91	50,000 00	.....	124,030 49
1850-51	89,719 12	.....	78,329 50	50,000 00	.....	218,048 62
1851-52	67,076 43	.....	5,605 59	55,000 00	.....	127,682 02.
1852-53	190,141 68	.....	122,912 66	54,000 00	.....	367,054 34
1853-54	263,036 37	.....	157,343 79	59,000 00	.....	479,380 16
1854-55	163,388 32	.....	161,667 53	60,000 00	†3,666 34	388,722 19
1855-56	191,917 18	.....	47,937 23	60,000 00	.....	299,854 41
1856-57	172,684 98	.....	81,645 44	60,000 00	.....	314,330 42
1857-58	224,210 25	.....	85,064 71	80,000 00	.....	389,274 96
1858-59	303,970 61	.....	289,175 64	105,000 00	.....	698,146 25
1859-60	234,866 99	.....	297,515 63	220,000 00	.....	752,382 62
1860-61	205,524 35	.....	263,150 90	220,000 00	.....	688,675 25
1861-62	82,959 75	.....	202,721 22	300,000 00	.....	585,680 97
1862-63	255,959 73	.....	227,337 38	200,000 00	.....	683,297 11
1863-64	48,864 27	.....	149,481 89	300,000 00	.....	498,346 16
1864-65	85,244 17	.....	151,889 08	300,000 00	.....	537,133 25
1865-66	67,468 10	.....	1,064,348 17	350,000 00	.....	1,481,816 27
1866-67	101,762 10	26,856 85	1,101,760 66	360,000 00	.....	1,590,379 61
1867-68	136,732 09	77,626 74	1,096,546 14	400,000 00	.....	1,710,904 97
1868-69	174,346 23	232,389 52	1,067,878 44	417,000 00	.....	1,891,614 19
1869-70	170,732 79	267,520 50	1,272,139 14	577,000 00	.....	2,287,392 43
1870-71	814,149 36	280,499 42	1,156,660 84	719,000 00	.....	2,970,309 62
	\$5,366,585 76	\$885,379 62	\$9,558,304 30	\$5,681,000 00	\$3,916 34	\$21,494,186 02

* Discount on debt purchased.

† C. W. Works.

TABLE NO. 16.

ADDITIONS TO THE SINKING-FUNDS FOR
THE CITY AND COUNTY DEBT,
SINCE 1871.

Table No. 16.

ADDITIONS TO THE SINKING-FUNDS

[SINCE THE ESTABLISHMENT OF THE BOARD

Fiscal Year.	Premium on Loans.	Sales of Land, Betterments, Assessments, etc.	Interest on Investments.	Interest on Bank Deposits.	Unexpended Balances of Appropriations and Excess of Income.
Apl. 30, 1871..	Received	from the Com	mittee on Re	duction of Debt.	.....
1871-72 .....	.....	\$832,790 59	\$424,154 62	\$84,321 61	\$885,116 69
1872-73 .....	.....	873,165 14	576,492 00	48,760 31	219,885 47
1873-74 .....	.....	724,262 21	652,113 92	25,058 16	536,029 67
1874-75 .....	.....	1,243,183 43	736,360 70	31,202 75	676,530 08
1875-76 .....	.....	915,138 89	732,203 71	35,878 64	758,781 31
1876-77 .....	.....	887,916 63	747,513 23	45,945 44	.....
1877-78 .....	.....	563,067 25	691,691 84	53,551 93	.....
1878-79 .....	.....	417,329 23	675,666 37	36,885 58	.....
1879-80 .....	.....	201,757 74	676,828 29	32,036 13	.....
1880-81 .....	.....	263,247 75	644,182 56	8,476 60	.....
1881-82 .....	.....	403,187 87	630,730 52	39,222 14	.....
1882-83 .....	.....	176,471 17	647,446 16	35,682 52	.....
1883-84	\$224,777 00	369,166 46	661,485 78	24,094 00	.....
1884-85 .....	.....	271,003 71	639,227 29	44,188 53	.....
1885-86 .....	.....	123,579 89	642,012 33	39,853 46	.....
1886-87	70,860 00	99,426 62	659,528 45	22,501 92	.....
1887-88 .....	.....	115,416 28	681,743 16	41,869 50	.....
1888-89	129,106 80	159,720 11	627,915 10	60,210 94	.....
1889-90	102,140 04	70,039 62	588,597 71	71,500 56	.....
1890-91	43,521 20	34,581 01	645,699 93	74,599 65	.....
1891-92	14,120 00	59,020 59	486,986 93	49,929 98	.....
1892-93	115,696 10	64,087 28	618,601 36	112,332 26	.....
1893-94	74,060 43	167,037 74	532,920 21	52,107 13	.....

Table No. 16. — *Concluded.***FOR THE CITY AND COUNTY DEBT.**

OF SINKING-FUND COMMISSIONERS IN 1871.]

Unexpended Balances from Loans.	Interest on Redeemed Sterling Debt.	Appropriation Orders. Taxes.	Miscellaneous.	Total.	Fiscal Year.
.....	.....	.....	.....	\$9,553,734 83	Apr. 30, 1871
.....	.....	\$68,250 00	.....	2,294,633 51	1871-72
.....	.....	.....	.....	1,717,802 92	1872-73
.....	.....	.....	¹ \$55,958 29	1,993,422 25	1873-74
.....	\$23,788 75	.....	.....	2,711,065 71	1874-75
.....	7,263 06	.....	² 130,000 00	2,579,265 61	1875-76
.....	5,700 00	.....	.....	1,687,075 30	1876-77
.....	32,172 78	458,200 00	.....	1,798,683 80	1877-78
\$312,801 85	19,582 75	457,447 00	.....	1,919,712 78	1878-79
.....	22,087 46	495,704 00	.....	1,428,413 62	1879-80
.....	23,581 59	593,655 00	.....	1,533,143 50	1880-81
.....	26,285 98	702,928 00	.....	1,802,354 51	1881-82
.....	27,719 76	668,371 00	.....	1,555,690 61	1882-83
116,608 90	33,454 89	756,991 00	.....	2,186,578 03	1883-84
11,688 37	33,454 89	758,856 00	.....	1,758,418 79	1884-85
.....	40,623 80	643,938 00	.....	1,490,007 48	1885-86
180 84	44,925 14	548,134 00	.....	1,445,556 97	1886-87
.....	44,925 13	749,107 00	.....	1,633,061 07	1887-88
.....	52,094 04	808,930 00	.....	1,837,976 99	1888-89
.....	40,145 87	882,272 00	.....	1,754,695 80	1889-90
.....	45,881 00	1,230,634 00	.....	2,074,916 79	1890-91
.....	48,748 55	1,459,161 00	.....	2,117,967 05	1891-92
.....	84,115 15	1,277,392 00	³ 50,166 21	2,322,390 36	1892-93
.....	106,099 79	1,222,219 00	.....	2,154,444 30	1893-94
.....	.....	.....	.....	\$53,351,012 58	.....

¹ From City of Charlestown.² Liquor Licenses.³ From Commonwealth. Construction of Last Bridge.

Table No. 17.

**FUNDED DEBT, GROSS AND NET, AT THE CLOSE
OF EACH FISCAL YEAR.**

	Gross Funded Debt.	Means of Redemption.	Net Funded Debt.
April 30, 1822.....	\$100,000 00	.....	\$100,000 00
May 31, 1823.....	103,550 00	\$3,267 27	100,282 73
" 1824.....	207,050 00	3,254 61	203,795 39
" 1825.....	305,873 85	.....	305,873 85
April 30, 1826.....	364,800 32	145,980 93	218,819 39
" 1827.....	1,011,775 00	299,096 38	712,678 62
" 1828.....	949,350 00	279,124 85	670,225 15
" 1829.....	911,850 00	267,505 76	644,344 24
" 1830.....	891,930 75	228,028 30	663,902 45
" 1831.....	880,330 75	254,095 69	646,235 06
" 1832.....	817,123 93	175,734 75	641,389 18
" 1833.....	940,358 28	168,094 70	772,263 58
" 1834.....	1,078,088 28	153,636 46	924,451 92
" 1835.....	1,147,398 97	102,075 55	1,045,323 42
" 1836.....	1,264,400 00	182,245 56	1,082,154 44
" 1837.....	1,497,200 00	217,955 45	1,279,244 55
" 1838.....	1,491,400 00	97,436 60	1,393,963 40
" 1839.....	1,596,600 00	93,931 59	1,502,668 41
" 1840.....	1,698,232 56	171,439 31	1,526,793 25
" 1841.....	1,663,800 00	90,349 56	1,573,450 44
" 1842.....	1,594,700 00	88,930 79	1,505,769 21
" 1843.....	1,518,700 00	134,389 31	1,384,310 69
" 1844.....	1,423,800 00	302,149 09	1,121,650 91
" 1845.....	1,613,266 62	378,400 45	784,866 17
" 1846.....	1,153,713 16	717,610 79	436,102 37
" 1847.....	1,296,626 98	800,977 82	495,649 16
" 1848.....	3,452,606 37	478,213 28	2,974,393 09
" 1849.....	5,334,846 54	388,396 02	4,946,450 52
" 1850.....	6,195,144 35	310,259 40	5,884,884 95
" 1851.....	6,801,541 35	473,634 98	6,327,906 37
" 1852.....	7,110,679 70	489,065 22	6,621,614 48
" 1853.....	7,859,435 66	872,674 15	6,986,761 51
" 1854.....	7,799,855 32	1,411,858 00	6,387,997 32
" 1855.....	7,151,149 77	1,042,977 90	6,108,171 87
" 1856.....	7,107,149 77	1,088,483 92	6,018,665 85
" 1857.....	7,259,299 77	1,054,976 27	6,204,323 50
" 1858.....	8,101,199 77	1,108,147 09	6,993,052 68
" 1859.....	8,954,649 77	1,331,565 05	7,623,084 72
" 1860.....	8,491,599 77	967,175 69	7,524,424 08
" 1861.....	8,894,499 77	988,922 61	7,905,577 16
" 1862 — War debt includ- ed this year and after.....	9,031,207 77	851,659 08	8,179,548 69
" 1863.....	10,335,837 77	1,190,901 13	9,144,936 64
" 1864.....	11,015,732 77	1,463,187 67	9,552,545 10
" 1865.....	11,371,942 57	1,621,255 41	9,750,687 16
" 1866.....	11,892,375 91	3,039,590 32	8,852,785 59
" 1867.....	12,998,559 91	4,440,278 32	8,558,281 59
" 1868 — Roxbury debt in- cluded.....	14,011,656 91	5,199,369 72	8,812,287 19
" 1869.....	16,959,500 91	6,869,989 11	10,089,511 80

Table No. 17. — *Concluded.***FUNDED DEBT, GROSS AND NET, AT THE CLOSE OF EACH FISCAL YEAR.**

	Gross Funded Debt.	Means of Redemption.	Net Funded Debt.
April 30, 1870 — Dorchester debt included	\$18,687,350 91	\$9,215,831 25	\$9,471,519 66
“ 1871.....	26,472,916 80	11,632,959 91	14,839,956 89
“ 1872.....	28,628,535 82	12,849,159 31	15,779,376 51
“ 1873.....	30,553,116 80	13,926,777 92	16,626,338 88
“ 1874 — Charlestown, Brighton, and W. Roxbury debts included	42,890,785 77	15,417,572 75	27,473,213 02
“ 1875	43,414,829 99	16,218,402 92	27,196,427 07
“ 1876.....	43,848,835 73	16,880,387 41	26,967,448 32
“ 1877.....	43,590,497 30	16,109,973 55	27,480,523 75
“ 1878.....	42,457,022 47	16,297,245 80	26,159,776 67
“ 1879.....	42,359,816 23	16,130,150 42	26,229,665 81
“ 1880.....	42,030,125 36	14,188,021 08	27,842,104 28
“ 1881.....	40,949,332 18	14,943,711 59	26,005,620 59
“ 1882.....	40,079,312 04	15,901,650 44	24,177,661 60
“ 1883.....	41,184,358 12	16,422,541 43	24,761,816 69
“ 1884.....	43,185,669 07	16,933,174 61	26,252,494 46
“ 1885.....	42,962,180 02	18,365,600 11	24,596,579 91
“ 1886 — County debt in- cluded	43,628,322 04	18,915,502 44	24,712,819 60
“ 1887.....	46,799,962 72	20,312,079 64	26,487,883 08
“ 1888.....	48,993,803 45	21,632,559 02	27,361,244 43
“ 1889.....	49,920,475 25	22,266,285 21	27,654,190 04
“ 1890.....	53,930,095 22	22,854,262 88	31,075,832 24
“ 1891.....	55,861,980 06	24,519,341 59	31,342,638 47
Jan. 31, 1892.....	56,003,997 35	25,569,706 32	30,924,699 70
“ 1893.....	56,908,148 04	25,983,448 34	30,908,879 24
“ 1894.....	54,418,535 36	20,908,860 58	33,509,674 78

Table No. 18.

**FUNDED DEBT, GROSS AND NET,
At Close of Each Calendar Year.**

	Gross Debt.	Means of Redemp- tion.	Net Debt.
Dec. 31, 1855	\$7,195,649 77	\$1,172,846 26	\$6,022,803 51
“ 31, 1856	7,110,249 77	1,151,477 85	5,958,771 92
“ 31, 1857	7,967,499 77	1,233,862 82	6,733,636 95
“ 31, 1858	9,163,049 77	1,264,415 14	7,898,634 63
“ 31, 1859	9,219,599 77	1,774,272 97	7,445,326 80
“ 31, 1860	9,236,299 77	1,192,435 48	8,043,864 29
“ 31, 1861	9,149,499 77	1,222,053 94	7,927,445 83
“ 31, 1862	10,392,207 77	1,028,027 18	9,364,180 59
“ 31, 1863	10,193,732 77	1,307,078 27	8,886,654 50
“ 31, 1864	11,380,232 77	1,597,034 69	9,783,198 08
“ 31, 1865	11,686,375 91	2,065,776 51	9,620,599 40
“ 31, 1866	12,845,375 91	3,368,526 00	9,476,849 91
“ 31, 1867	13,533,850 91	4,699,280 73	8,834,570 18
“ 31, 1868	16,516,849 91	5,618,309 75	10,898,540 16
“ 31, 1869	16,607,500 91	7,521,814 55	9,085,686 36
“ 31, 1870	23,908,350 91	9,779,442 67	14,128,908 24
“ 31, 1871	27,865,916 80	11,770,162 35	16,095,754 45
“ 31, 1872	29,718,677 91	13,552,249 33	16,166,428 58
“ 31, 1873	35,527,293 45	14,350,895 32	21,176,398 13
“ 31, 1874	43,474,841 96	15,661,906 73	27,812,935 23
“ 31, 1875	43,886,632 24	16,381,626 50	27,505,005 74
“ 31, 1876	44,958,822 30	16,681,789 34	28,277,032 96
“ 31, 1877	43,354,444 06	16,498,979 12	26,855,464 94
“ 31, 1878	41,809,583 31	15,625,411 89	26,184,171 42
“ 31, 1879	43,022,816 20	16,925,033 15	26,097,783 05
“ 31, 1880	41,103,750 60	14,445,294 19	26,658,456 41
“ 31, 1881	40,018,598 02	15,770,551 42	24,248,046 60
“ 31, 1882	41,105,577 88	16,724,552 86	24,381,025 02
“ 31, 1883	42,544,123 96	17,232,488 44	25,311,635 52
“ 31, 1884	42,981,934 91	18,215,870 64	24,766,064 27
“ 31, 1885	43,416,945 84	18,716,931 55	24,700,014 29
“ 31, 1886	46,337,887 86	19,983,492 39	26,354,395 47
“ 31, 1887	48,682,428 58	21,054,840 11	27,627,588 47
“ 31, 1888	48,576,569 29	21,725,667 30	26,850,901 99
“ 31, 1889	51,185,741 09	22,863,953 03	28,321,788 06
“ 31, 1890	55,440,361 06	24,386,864 08	31,053,496 98
“ 31, 1891	56,242,745 90	25,539,387 56	30,703,358 34
“ 31, 1892	57,083,563 19	26,544,273 22	30,539,289 97
“ 31, 1893	55,831,635 15	22,111,523 22	33,720,111 93
“ 31, 1894	58,654,211 56	22,160,347 14	36,493,864 42

Table No. 19.
DEBT STATEMENT
December 31, 1894.

Gross funded debt, December 31, 1893	\$55,831,635 15	
Add funded debt issued in 1894	5,808,800 00	
	\$61,640,435 15	
Deduct funded debt paid in 1894	2,986,223 59	
Gross debt, December 31, 1894	\$58,654,211 56	
City debt	\$37,211,937 58	
County debt	3,682,000 00	
Cochituate water debt	17,760,273 98	
	\$58,654,211 56	
Sinking-Funds, December 31, 1893	\$21,700,894 82	
Receipts during 1894	2,770,741 16	
	\$24,471,635 98	
Payments during 1894	2,970,099 43	
	\$21,501,536 55	
Bonds, betterments, etc., the payments of which are pledged to the payment of debt:		
Bonds	\$2,000 00	
Betterments, etc.	297,456 45	
Street construction assess- ments, chap. 323, Acts of 1891	24,613 68	
Sidewalk assessments, chap. 401, Acts of 1892	114,640 58	
Sewer assessments, chap. 402, Acts of 1892	219,419 06	
Sidewalk assessments, chap. 437, Acts of 1893	680 82	
	658,810 59	
Total redemption means, December 31, 1894	22,160,347 14	
Net debt, December 31, 1894	\$36,493,864 42	

Table No. 20.

BORROWING CAPACITY**December 31, 1894.**

Total Debt City and County			\$58,654,211 56
Less Special Loans (Outside of limit)	\$11,300,000 00		
Cochituate Water Debt, ...	17,760,273 98		
County Debt (Outside of limit)	2,921,000 00		
			<u>31,981,273 98</u>
			\$26,672,937 58
Sinking-Funds	\$21,501,536 55		
Less Cochituate Water Sinking-Fund	\$8,318,241 08		
Special Loans Sinking-Funds	1,418,026 96		
County Court-House Sinking-Fund	256,892 34		
		<u>9,993,160 38</u>	
			<u>11,508,376 17</u>
Debt, excluding Debts outside of limit and deducting Sinking-Funds for said debt			<u>\$15,164,561 41</u>
Two per cent. on \$850,076,262 average valuation for five years, less abatements			\$17,001,525 24
Debt as above			<u>15,164,561 41</u>
Right to borrow, under chap. 178, Acts of 1885, December 31, 1894			\$1,836,963 83
Less loans authorized but not issued, inside of limit			<u>1,490,000 00</u>
			<u>\$346,963 83</u>

Table No. 21.

BORROWING CAPACITY**January 1, 1895.**

Total Debt City and County	\$58,654,211 56	
Less Special Loans (Outside of limit)	\$11,300,000 00	
Cochituate Water Debt, 17,761,273 98		
County Debt (Outside of limit)	2,921,000 00	
		<u>31,982,273 98</u>
		\$26,671,937 58
Sinking-Funds	\$21,501,536 55	
Less Cochituate Water Sinking-Fund	\$8,318,241 08	
Special Loans Sinking-Funds	1,418,026 96	
County Court-House Sinking-Fund	256,892 34	
	<u>9,993,160 38</u>	
		<u>11,508,376 17</u>
Debt, excluding Debts outside of limit and deducting Sinking-Funds for said debt	\$15,163,561 41	
Two per cent. on \$850,076,262 average valuation for five years, less abatements	\$17,001,525 24	
Debt as above	15,163,561 41	
Right to borrow, under chap. 178, Acts of 1885, December 31, 1894	\$1,837,963 83	
Average valuation for five years, less abatements, to December 31, 1894	\$876,794,390 00	
Average valuation for five years, less abatements, to December 31, 1893	850,076,262 00	
Two per cent. on increase	<u>\$26,718,128 00</u>	
		534,362 56
Interest on Investments, January 1, 1895		<u>60,410 96</u>
Right to borrow, January 1, 1895, under St. 1885, ch. 187	\$2,432,737 35	
Less loans authorized but not issued	1,490,000 00	
		<u>\$942,737 35</u>
Carried forward	\$942,737 35	

<i>Brought forward</i>			\$942,737 35
Estimated additions to the Sinking-Funds in 1895 :			
April	1, 1895.	Interest on Investments	\$138,701 00
July	1, 1895.	Interest on Investments	58,100 00
Oct.	1, 1895.	Interest on Investments	148,723 00
"	1, 1895.	Debt paid from Appropriation	17,000 00
Nov.	1, 1895.	Appropriation for Debt	1,033,213 00
Dec.	31, 1895.	Sterling Debt Redeemed	90,000 00
"	31, 1895.	Interest on Bank Deposits	22,500 00
Jan.	1, 1896.	Interest on Investments	58,100 00
			1,566,337 00
Right to borrow, January 1, 1895, under St. 1891, ch. 93 .			\$2,509,074 35

Table No. 22.
LOANS AUTHORIZED BY SPECIAL STATUTES.
Outside of the Debt Limit from 1885 to 1895.

Year.	Chapter.	Date of Approval.	Object.	Amount Authorized.	Amount Issued to Dec. 31, 1894.
1886.....	304.....	June 21, 1886.....	Public Park Construction.....	\$2,500,000 00	\$2,500,000 00
1887.....	101.....	March 21, 1887.....	Suffolk County Court-House ¹.....	.....	2,781,000 00
1887.....	282.....	May 18, 1887.....	Harvard Bridge.....	250,000 00	250,000 00
1887.....	312.....	May 26, 1887.....	Public Park Lands.....	400,000 00	400,000 00
1887.....	394.....	June 11, 1887.....	Sewer, Tremont Street.....	² 75,000 00	.....
1887.....	428.....	June 16, 1887.....	Stony-Brook Improvement.....	500,000 00	500,000 00
1888.....	392.....	May 23, 1888.....	Public Park Lands.....	600,000 00	600,000 00
1889.....	68.....	March 1, 1889.....	New Library Building.....	1,000,000 00	1,000,000 00
1889.....	254.....	April 12, 1889.....	West Chester Park Extension.....	² 75,000 00	.....
1889.....	283.....	April 26, 1889.....	Congress-street and Oliver-street Extension.....	² 500,000 00	.....
1889.....	322.....	May 9, 1889.....	Improved Sewerage.....	500,000 00	500,000 00
1890.....	271 } 444 }	May 5 and } June 28, 1890 }	Public Parks, Charlestown.....	200,000 00	200,000 00
1891.....	301.....	May 7, 1891.....	Public Parks.....	3,500,000 00	3,500,000 00
1891.....	324.....	May 11, 1891.....	New Library Building.....	1,000,000 00	800,000 00
1891.....	323.....	May 11, 1891.....	Laying Out and Construction of Highways ³.....	.....	1,500,000 00
1892.....	288.....	May 9, 1892.....	Suffolk County Court-House, Furnishing.....	100,000 00	100,000 00
1893.....	478.....	June 10, 1893.....	Subway ⁴	2,000,000 00	.....
1894.....	396.....	May 17, 1894.....	Public Parks.....	1,000,000 00	.....
1894.....	548.....	July 2, 1894.....	Rapid Transit.....	7,000,000 00	50,000 00

¹ \$2,500,000 in addition to the cost of land. Cost of land, \$1,056,469.69; \$2,781,000 authorized by City Council.
² Never approved by City Council.
³ Not exceeding \$1,000,000 each year, and not exceeding \$3,000,000 in all in excess of the sinking-funds. The debt authorized in 1891 (\$500,000) inside of debt limit; debt authorized thereafter is outside of debt limit.
⁴ Act accepted by city, but superseded by Rapid Transit Act of 1894.

Table No. 23.

LOANS AUTHORIZED, BUT NOT ISSUED,

December 31, 1894.

Date of Order.	Object.	Inside of Debt Limit.	Outside of Debt Limit.
Oct. 24, 1891 . . .	Library Building, Dartmouth Street, ...		\$200,000 00
April 26, 1893 . . .	Additional Supply of Water		1,800,000 00
May 17, 1893 . . .	Public Park, Wards 6 and 7	¹ \$150,000 00	
Feb. 1, 1894 . . .	New Buildings, City Hospital	300,000 00	
Feb. 12, 1894 . . .	Charlestown Bridge	740,000 00	
June 8, 1894 . . .	Public Parks		1,000,000 00
June 25, 1894 . . .	Laying Out and Construction of Highways		1,000,000 00
July 12, 1894 . . .	Columbus-Ave, Extension	300,000 00	
Stat. 1894, ch. 548 .	Rapid Transit ²		\$6,950,000 00
		<u>\$1,490,000 00</u>	<u>\$10,950,000 00</u>
Inside Debt Limit	\$1,490,000 00		
Outside Debt Limit	10,950,000 00		
	<u>\$12,440,000 00</u>		

¹ Chap. 282, Acts of 1893, authorizes the city of Boston to take land for a public park or playground in Wards 6 and 7, the assessed valuation of said land not to exceed \$300,000; also authorizes the expenditure of \$50,000 for preparing said land for public use.

² Chap. 548, Acts of 1894, authorizes the city of Boston to borrow not exceeding seven millions of dollars to promote Rapid Transit, and such further amount for Charlestown bridge and its approaches, in addition to the seven hundred and fifty thousand dollars heretofore appropriated by the city council, as may be necessary for the completion of said bridge and approaches.

Table No. 24.

STATEMENT OF THE LOANS FOR "LAYING OUT
AND CONSTRUCTION OF HIGHWAYS,"

December 31, 1894.

Loans issued to December 31, 1894 \$1,500,000 00

Payments.

Board of Survey	\$229,359 32	
Land damages	73,703 03	
Street and sidewalk construction	316,832 20	
Sewer construction	757,748 04	
Interest	1,000 00	
		1,378,642 59
Balance December 31, 1894		<u>\$121,357 41</u>

Receipts.

	Interest.	Total.
Sidewalk Assessments . . . \$119,486 89	\$10,215 22	\$129,702 11
Sewer Assessments . . . 118,661 44	7,212 94	125,874 38
Street Const'n Assessments . . . 25,318 54	1,409 67	26,728 21
		\$282,304 70
Sale of property, Washington and Water streets		65,550 00
Premium on loans negotiated		10,754 00
Accrued interest on loans negotiated		2,593 49
		\$361,202 19
Paid interest	\$73,068 55	
Paid to Sinking-Fund	241,545 07	
To be paid to Sinking-Fund	15,153 04	
Held under protest	31,435 53	
		<u>\$361,202 19</u>

Total Assessments to December 31, 1894.

	Net Assessments.	Receipts.	Balance Outstanding.
Sidewalks	\$234,127 47	\$119,486 89	\$114,640 58
Sewers	338,080 50	118,661 44	219,419 06
Street Construction	49,932 22	25,318 54	24,613 68
	\$622,140 19	\$233,466 87	\$358,673 32

Sinking-Fund.

Receipts, Assessments, and Interest on same	\$165,241 07
Sale of property, Washington and Water streets	65,550 00
Premium on loans negotiated	10,754 00
Interest on Investments	2,765 01
Interest on Bank Deposits	2,852 83
Total Fund, December 31, 1894	<u>\$247,162 91</u>

Net Debt Statement.

Outstanding loans	\$1,500,000 00
Means of redemption :	
Sinking-Funds	\$247,162 91
Outstanding Assessments	358,673 32
	605,836 23
Net Debt, December 31, 1894	
	\$894,163 77

Still to be Issued :

Authorized but not yet issued	\$1,000,000 00
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Additional Amount that can be Authorized :

Sinking-Funds	\$147,162 91
Amount authorized by Statute 1891, chap. 323, in excess of	
Sinking-Funds	3,000,000 00
	\$3,247,162 91
Amount already authorized by City Council	2,500,000 00
Amount that can be authorized by City Council, January 1, 1895,	\$747,162 91

Table No. 25.

THE “PUBLIC LANDS” ACCOUNT,
From 1822 to January 31, 1894.

	Expenditures.	Receipts.	Net Profits.	Net Loss.
Neck Lands	\$418,885 59	\$3,298,524 60	\$2,879,639 01	
South Bay Lands . .	1,202,729 67	506,925 22		\$695,804 45
Back Bay Lands . . .	1,029,022 41	179,205 87		849,816 54
South Boston Lands .	22,751 42	323,519 74	300,768 32	
Church-st. District . .	1,183,363 12	222,921 89		960,441 23
Northampton-st. Dist.	561,817 63	172,289 81		389,527 82
Suffolk-st. District . .	2,428,986 58	863,420 56		1,565,566 02
Roxbury and Roxbury Canal	372,930 51	98,082 50		274,848 01
Miscellaneous Lands .	363,887 70	672,652 64	308,764 94	
Mill Pond Lands		135,572 73	135,572 73	
Neck and Mill Pond Lands		77,190 16	77,190 16	
East Boston		6,916 56	6,916 56	
Charlestown Lands . .		15,548 39	15,548 39	
	\$7,584,374 63	\$6,572,770 67	\$3,724,436 11	\$4,736,040 07

Table No. 26.

THE QUINCY MARKET.

Payments.

FISCAL YEAR.	Plant, Land, Buildings, etc.	Repairs and Alterations, etc.	Salaries, etc.	Miscellaneous.	Interest.	TOTALS.
1825-26 .	\$532,797 33	.....	\$916 66	.....	.....	\$533,713 99
1826-27 .	.....	.....	1,469 50	.....	\$31,622 95	33,092 45
1827-28 .	85,933 94	.....	2,380 50	\$774 65	31,622 95	120,712 04
1828-29 .	26,089 13	\$117 64	2,373 00	334 25	29,703 21	58,617 23
1829-30 .	100,241 52	140 23	2,421 60	461 73	28,428 21	131,693 29
1830-31 .	121,866 87	613 62	1,712 89	276 55	23,973 21	148,443 14
1831-32 .	38,917 39	863 97	1,416 28	432 65	18,073 21	59,703 50
1832-33 .	432 47	1,174 00	1,369 45	389 40	16,270 51	19,635 83
1833-34 .	14,325 78	1,780 14	1,377 62	476 93	15,770 51	33,730 98
1834-35 .	7,000 00	1,786 52	1,675 58	149 50	15,010 51	25,622 11
1835-36 .	10,000 00	262 68	1,546 34	184 65	14,292 50	26,286 17
1836-37 .	69,300 00	703 56	1,836 79	182 70	13,792 50	85,815 55
1837-38 .	15,621 47	653 45	1,988 10	151 80	10,327 50	28,742 32
1838-39 .	5,163 51	1,936 22	1,960 98	30 30	10,327 50	19,418 51
1839-40 .	.....	391 29	1,929 20	.....	10,327 50	12,647 99
1840-41 .	2,320 81	977 05	2,425 54	.....	10,327 50	16,050 90
1841-42 .	7,000 00	928 79	2,092 42	.....	10,327 50	20,348 71
1842-43 .	.....	355 82	2,192 17	.....	10,000 00	12,547 99
1843-44 .	.....	497 35	2,683 56	775 00	10,000 00	13,955 91
1844-45 .	82,595 13	1,184 56	2,105 68	1,298 61	10,000 00	97,183 98
1845-46 .	.....	2,737 99	2,322 86	1,045 53	6,000 00	12,106 38
1846-47 .	10,000 00	610 89	3,276 41	710 42	6,000 00	20,597 72
1847-48 .	.....	471 34	3,098 84	1,583 24	5,037 50	10,190 92
1848-49 .	.....	2,027 76	3,539 86	879 67	5,400 00	11,847 29
1849-50 .	.....	633 23	3,360 75	1,411 47	5,400 00	10,805 45
1850-51 .	.....	1,777 29	3,612 20	1,113 73	5,400 00	11,903 22
1851-52 .	.....	11,220 30	4,687 84	1,614 63	5,400 00	22,922 77
Carried forward .	\$1,129,605 35	\$33,845 69	\$61,772 62	\$14,277 41	\$358,835 27	\$1,598,336 34

Table No. 26. — *Continued.*

THE QUINCY MARKET.

Receipts.					Net Results.		Fiscal Year.
Sales of Land.	Rents.	Miscellaneous.	Interest.	Totals.	Cost at close of Year.	Profit at close of Year.	
\$514,753 58	.....	\$22,604 67	.....	\$537,358 25	.....	\$3,644 26	1825-26
35,714 18	\$14,895 64	4,461 12	\$11,109 23	66,180 17	.....	36,731 98	1826-27
21,400 00	26,219 89	2,324 44	9,199 78	59,144 11	\$24,835 95	.....	1827-28
26,500 00	26,169 41	2,776 07	8,129 78	63,575 26	19,877 92	.....	1828-29
42,402 77	24,681 79	274 92	7,665 48	75,024 96	76,546 25	.....	1829-30
9,500 00	23,530 31	202 11	5,486 64	38,719 06	186,270 33	.....	1830-31
51,533 79	25,252 65	124 67	5,579 91	82,491 02	163,482 81	.....	1831-32
601 83	22,940 71	125 00	3,968 09	27,635 63	155,483 01	.....	1832-33
15,500 00	24,350 46	324 83	3,860 47	44,035 76	145,178 23	.....	1833-34
31,481 10	32,889 91	402 17	2,893 81	67,666 99	103,133 35	.....	1834-35
1,483 10	34,557 64	481 63	918 36	37,440 67	91,978 85	.....	1835-36
1,583 10	35,341 70	607 64	844 15	38,376 59	139,417 81	.....	1836-37
3,264 00	35,047 06	572 07	765 00	39,648 13	128,512 00	.....	1837-38
1,345 30	33,957 93	737 02	601 80	36,642 05	111,288 46	.....	1838-39
345 30	32,406 90	1,033 09	534 53	34,319 82	89,616 63	.....	1839-40
345 30	32,914 32	1,094 04	517 26	34,870 92	70,796 61	.....	1840-41
.....	33,979 26	1,099 37	500 00	35,578 63	55,566 69	.....	1841-42
.....	34,125 14	997 61	500 00	35,622 75	32,491 93	.....	1842-43
.....	34,062 77	1,073 15	500 00	35,635 92	10,811 92	.....	1843-44
5,000 00	33,821 50	1,274 70	500 00	40,596 20	67,399 70	.....	1844-45
.....	33,664 32	1,193 64	250 00	35,107 96	44,398 12	.....	1845-46
.....	38,337 24	1,384 46	250 00	39,971 70	26,024 14	.....	1846-47
.....	38,240 80	1,426 81	250 00	39,917 61	.....	4,702 55	1847-48
.....	39,559 97	1,702 39	250 00	41,512 36	.....	34,367 62	1848-49
.....	39,434 12	1,714 43	250 00	41,398 55	.....	64,960 72	1849-50
.....	50,462 81	1,323 88	250 00	52,036 69	.....	105,094 19	1850-51
.....	49,169 34	1,244 28	250 00	50,663 62	.....	132,835 04	1851-52
\$762,753 35	\$850,013 59	\$52,580 21	\$65,824 23	\$1,731,171 38	.....	.....	<i>Carr'd forw'd.</i>

Table No. 26. — *Continued.*

THE QUINCY MARKET.

Payments.

FISCAL YEAR.	Plant, Land, Buildings, etc.	Repairs and Altera- tions, etc.	Salaries, etc.	Miscella- neous.	Interest.	TOTALS.
<i>Brought forward</i>	\$1,129,605 35	\$33,845 69	\$61,772 62	\$14,277 41	\$358,835 27	\$1,598,336 34
1852-53	5,000 00	2,868 43	3,351 84	1,110 91	5,400 00	17,731 18
1853-54	45,000 00	600 16	3,019 75	1,380 65	5,100 00	55,100 56
1854-55	40,000 00	899 56	3,135 50	1,505 01	2,400 00	47,940 07
1855-56		628 00	3,122 20	1,485 12		5,235 32
1856-57	20,675 27	774 80	3,012 50	1,398 54	1,205 00	27,066 11
1857-58		1,006 49	3,231 02	1,289 50	1,205 00	6,732 01
1858-59		1,307 24	3,247 50	1,130 27	1,205 00	6,890 01
1859-60		1,356 24	3,563 50	2,365 27	1,205 00	8,490 01
1860-61		1,563 88	3,554 25	1,465 22	1,205 00	7,788 35
1861-62		12,406 06	3,641 75	1,431 96	1,205 00	18,684 77
1862-63		1,460 89	4,104 60	1,703 41	1,080 00	8,348 90
1863-64		829 43	4,212 96	2,375 47	1,080 00	8,497 86
1864-65		613 35	4,769 94	3,035 37	1,080 00	9,498 66
1865-66		3,005 12	4,966 00	2,397 38	1,080 00	11,448 50
1866-67		3,106 45	5,609 50	2,093 85	1,080 00	11,889 80
1867-68		1,393 06	5,722 75	2,032 41		9,148 22
1868-69		3,700 48	5,717 41	3,026 40		12,444 29
1869-70		3,500 38	6,575 50	2,668 75		12,744 63
1870-71		1,500 55	7,669 50	1,810 27		10,980 32
1871-72		3,802 21	8,249 50	1,354 37		13,406 08
1872-73		3,700 14	8,395 00	1,221 10		13,316 24
1873-74		4,951 84	8,931 00	1,288 66		15,171 50
1874-75		3,065 47	8,663 00	993 64		12,722 11
1875-76		5,324 19	8,227 00	1,225 39		14,776 58
1876-77		3,364 56	8,114 00	2,269 37		13,747 93
1877-78		6,311 23	7,405 00	1,870 54		15,586 77
1878-79		5,890 04	7,505 00	2,827 32		16,222 36
1879-80		1,303 21	7,514 00	1,739 86		10,557 07
<i>Carried forward</i>	\$1,240,280 62	\$114,079 15	\$217,004 09	\$64,773 42	\$384,363 27	\$2,020,502 56

Table No. 26. — *Continued.*

THE QUINCY MARKET.

Receipts.					Net Results.		Fiscal Year.
Sales of Land.	Rents.	Miscellaneous.	Interest.	Totals.	Cost at close of Year.	Profit at close of Year.	
\$762,753 35	\$850,013 59	\$52,580 21	\$65,824 23	\$1,731,171 38	.....	.....	<i>Bro't forward.</i>
49,216 00	52,066 21	1,356 92	18,339 20	120,978 33	.....	\$236,082 19	1852-53
215,810 13	48,882 31	1,187 03	18,339 20	284,218 67	.....	465,200 30	1853-54
31,942 92	48,869 81	1,212 61	7,548 69	89,574 03	.....	506,834 26	1854-55
27,325 00	48,951 06	1,170 59	5,951 55	83,398 20	.....	584,997 14	1855-56
14,119 11	52,563 56	1,225 39	4,585 29	72,493 35	.....	630,424 38	1856-57
19,119 11	53,287 15	1,159 92	3,879 34	77,445 52	.....	701,137 89	1857-58
11,363 42	54,883 79	817 86	2,923 39	69,988 46	.....	764,236 34	1858-59
5,883 81	53,840 04	943 83	2,355 22	63,022 90	.....	818,769 23	1859-60
3,236 76	53,878 26	773 83	2,061 03	59,949 88	.....	870,930 76	1860-61
3,236 76	51,810 97	779 04	1,899 19	57,725 96	.....	909,971 95	1861-62
27,452 91	54,768 94	797 41	1,737 35	84,756 61	.....	986,379 66	1862-63
911 75	54,018 20	790 66	364 70	56,085 31	.....	1,033,967 11	1863-64
911 76	58,183 30	1,002 84	319 12	60,417 02	.....	1,084,885 47	1864-65
911 76	56,793 90	1,115 60	273 53	59,094 79	.....	1,132,531 76	1865-66
911 76	62,574 10	903 88	227 94	64,617 68	.....	1,185,259 64	1866-67
911 76	66,768 50	872 37	182 35	68,734 98	.....	1,244,846 40	1867-68
.....	70,410 00	660 00	136 76	71,206 76	.....	1,303,608 87	1868-69
2,735 28	71,747 00	670 70	.....	75,152 98	.....	1,366,017 22	1869-70
.....	72,210 00	844 47	.....	73,054 47	.....	1,428,091 37	1870-71
.....	72,721 00	415 37	.....	73,136 37	.....	1,487,822 66	1871-72
.....	74,017 00	477 32	.....	74,494 32	.....	1,548,999 74	1872-73
.....	84,966 87	491 03	.....	85,457 90	.....	1,619,286 14	1873-74
.....	92,817 00	372 91	.....	93,189 91	.....	1,699,753 94	1874-75
.....	92,067 00	352 31	.....	92,419 31	.....	1,777,396 67	1875-76
.....	89,817 00	317 00	.....	90,134 00	.....	1,853,782 74	1876-77
.....	86,286 43	423 66	.....	86,710 09	.....	1,924,906 06	1877-78
.....	83,799 12	460 71	.....	84,259 83	.....	1,992,943 53	1878-79
.....	70,511 24	698 72	.....	71,209 96	.....	2,053,596 42	1879-80
\$1,178,753 35	\$2,683,523 35	\$74,874 19	\$136,948 08	\$4,074,098 97	.....	.....	<i>Carried forward.</i>

Table No. 26. — *Continued.*

THE QUINCY MARKET.

Payments.

FISCAL YEAR.	Plant, Land, Buildings, etc.	Repairs and Altera- tions, etc.	Salaries, etc.	Miscella- neous.	Interest.	TOTALS.
<i>Brought forward .</i>	\$1,240,280 62	\$114,079 15	\$217,004 09	\$64,773 42	\$384,365 27	\$2,020,502 55
1880-81		2,162 87	7,759 50	1,240 66		11,163 03
1881-82		3,413 58	7,855 75	1,442 79		12,712 12
1882-83		3,488 60	8,255 25	1,242 96		12,986 81
1883-84		7,080 91	8,279 25	2,939 24		18,299 40
1884-85		4,710 32	8,268 00	1,456 91		14,435 23
1885-86		2,223 47	8,276 00	1,301 28		11,800 75
1886-87		2,743 95	8,370 00	1,350 38		12,464 33
1887-88		1,534 31	8,359 00	1,602 26		11,495 57
1888-89		3,003 81	8,287 00	1,350 53		12,641 34
1889-90		4,044 63	8,428 29	1,293 02		13,765 94
1890-91		5,114 57	8,855 84	2,845 04		16,815 45
1891-92		2,221 47	6,747 00	761 10		9,729 57
1892-93		4,709 37	10,106 99	1,482 37		16,298 73
1893-94		2,435 71	10,581 95	1,468 20		14,485 86
Total .	\$1,240,280 62	\$162,966 72	\$335,433 91	\$86,550 16	\$384,365 27	\$2,209,596 68

Table No. 26.— *Concluded.*

THE QUINCY MARKET.

Receipts.					Net Results.		Fiscal Year.
Sales of Land.	Rents.	Miscellaneous.	Interest.	Totals.	Cost at Close of Year.	Profit at Close of Year.	
\$1,178,753 35	\$2,683,523 35	\$74,874 19	\$136,948 08	\$4,074,098 97	.....	.....	<i>Bro't forward.</i>
.....	70,686 24	173 46	.....	70,859 70	.....	\$2,113,293 09	1880-81
.....	71,122 66	454 78	.....	71,577 44	.....	2,172,158 41	1881-82
.....	70,946 00	531 31	.....	71,477 31	.....	2,230,648 91	1882-83
.....	73,267 25	1,907 80	.....	74,275 05	.....	2,286,624 56	1883-84
.....	71,564 10	538 96	.....	72,103 06	.....	2,344,292 39	1884-85
.....	71,336 00	526 87	.....	71,862 87	.....	2,404,354 51	1885-86
.....	71,293 00	529 81	.....	71,822 81	.....	2,463,712 99	1886-87
.....	71,793 00	579 42	.....	72,372 42	.....	2,524,589 84	1887-88
.....	71,043 00	610 51	.....	71,653 51	.....	2,583,602 01	1888-89
.....	70,543 00	473 07	.....	71,016 07	.....	2,640,852 14	1889-90
.....	74,793 00	622 88	.....	75,415 88	.....	2,699,452 57	1890-91
.....	53,782 25	340 92	.....	54,123 17	.....	2,743,846 17	1891-92
.....	71,713 85	484 22	.....	72,198 07	.....	2,799,745 51	1892-93
.....	72,193 00	581 67	.....	72,774 67	.....	2,858,034 32	1893-94
\$1,178,753 35	\$3,669,599 70	\$82,329 87	\$136,948 08	\$5,067,631 09			

Table No. 27.

EAST BOSTON FERRIES.

Expenditures.

YEARS.	Current Expenses of Ferry Department.	Other Expenditures charged to Department.	Other Expenditures charged to other Departments.	Interest on Loans.	Total Expenditures.
1858-59...			\$125,000 00		\$125,000 00
1859-60...			125,000 00		125,000 00
1860-61...			551 22	\$12,500 00	13,051 22
1861-62...				12,500 00	12,500 00
1862-63...			9,770 02	12,500 00	22,270 02
1863-64...				9,700 00	9,700 00
1864-65...			236 32	9,700 00	9,936 32
1865-66...			9,665 32	9,400 00	19,065 32
1866-67...			19,626 35	11,600 00	31,226 35
1867-68...			26,976 81	11,600 00	38,576 81
1868-69...			6,474 12	11,600 00	18,074 12
1869-70...		\$276,375 00	8,101 14	11,600 00	296,076 14
1870-71...	\$196,297 45	16,348 45	267 62	19,260 00	232,173 52
1871-72...	204,449 72	51,066 47	73 48	19,260 00	274,849 67
1872-73...	191,088 12	51,467 32	481 46	19,260 00	262,296 90
1873-74...	210,395 68	86,987 85		19,260 00	316,643 53
1874-75...	235,191 67	30,217 05	812 84	19,260 00	285,481 56
1875-76...	207,729 80	33,564 54	5,611 54	19,260 00	266,165 88
1876-77...	169,976 96	29,216 67	1,158 08	18,840 00	219,191 71
1877-78...	162,201 60			16,500 00	178,701 60
1878-79...	163,437 69	800 00		16,500 00	180,737 69
1879-80...	154,419 14	44,473 48	2,171 77	16,500 00	217,564 39
1880-81...	168,788 50				168,788 50
1881-82...	179,407 86				179,407 86
1882-83...	199,722 32	39,890 59			239,612 91
1883-84...	242,538 36	39,644 58			282,182 94
1884-85...	234,877 56	65,749 27		1,280 00	301,897 83
1885-86...	230,200 04	15,263 11			245,463 15
1886-87...	189,737 51	11,492 50		625 00	201,855 01
1887-88...	202,090 17	56,924 07		1,920 00	260,934 24
1888-89...	214,846 22			1,920 00	216,766 22
1889-90...	199,030 23			3,000 00	202,030 23
1890-91...	204,520 72	20,985 00		3,000 00	228,505 72
1891-92...	157,240 56	69,215 87		4,920 00	231,376 43
1892-93...	211,567 19	21,498 82		4,920 00	237,986 01
1893-94...	213,746 76	35,628 89		4,920 00	254,290 65
	\$4,743,501 83	\$996,795 53	\$341,978 09	\$323,105 00	\$6,405,380 45

Table No. 28.

EAST BOSTON FERRIES.

Receipts.

YEARS.	Credited to Ferry Department.	Credited to other De- partments.	Total Receipts.
1858-59.....			
1859-60.....		\$625 00	\$625 00
1860-61.....		1,250 00	1,250 00
1861-62.....		3,013 56	3,013 56
1862-63.....		900 00	900 00
1863-64.....		2,700 00	2,700 00
1864-65.....		2,700 00	2,700 00
1865-66.....		3,000 00	3,000 00
1866-67.....		4,050 00	4,050 00
1867-68.....		3,850 00	3,850 00
1868-69.....		3,600 00	3,600 00
1869-70.....		3,900 00	3,900 00
1870-71.....	\$180,058 54	3,600 00	183,658 54
1871-72.....	184,600 00	3,000 00	187,600 00
1872-73.....	205,000 00	3,000 00	208,000 00
1873-74.....	219,507 50	3,000 00	222,507 50
1874-75.....	200,000 00	3,000 00	203,000 00
1875-76.....	179,300 00	2,590 00	181,890 00
1876-77.....	176,032 00	3,000 00	179,032 00
1877-78.....	175,795 48	3,000 00	178,795 48
1878-79.....	166,530 31	3,000 00	169,530 31
1879-80.....	174,437 00	2,000 00	176,437 00
1880-81.....	166,508 48	1,500 00	168,008 48
1881-82.....	165,513 06		165,513 06
1882-83.....	162,827 91		162,827 91
1883-84.....	159,031 03		159,031 03
1884-85.....	156,801 60		156,801 60
1885-86.....	159,558 14		159,558 14
1886-87.....	164,497 69		164,497 69
1887-88.....	140,001 13		140,001 13
1888-89.....	138,760 65		138,760 65
1889-90.....	141,633 00		141,633 00
1890-91.....	146,276 80		146,276 80
1891-92.....	116,353 00		116,353 00
1892-93.....	154,660 65		154,660 65
1893-94.....	152,069 54		152,069 54
	\$3,985,753 51	\$60,278 56	\$4,046,032 07

Table No. 29.

EAST BOSTON FERRIES.

Net Results.

YEARS.	Total Expenditures.	Total Receipts.	Deficit for the Year.	Net Cost at close of Year.
1858-59.	\$125,000 00	.....	\$125,000 00	\$125,000 00
1859-60.	125,000 00	\$625 00	124,375 00	249,375 00
1860-61.	13,051 22	1,250 00	11,801 22	261,176 22
1861-62.	12,500 00	3,013 56	9,486 44	270,662 66
1862-63.	22,270 02	900 00	21,370 02	292,032 68
1863-64.	9,700 00	2,700 00	7,000 00	299,032 68
1864-65.	9,936 32	2,700 00	7,236 32	306,269 00
1865-66.	19,065 32	3,000 00	16,065 32	322,334 22
1866-67.	31,226 35	4,050 00	27,176 35	349,510 67
1867-68.	38,576 81	3,850 00	34,726 81	384,237 48
1868-69.	18,074 12	3,600 00	14,474 12	398,711 60
1869-70.	296,076 14	3,900 00	292,176 14	690,887 74
1870-71.	232,173 52	183,658 54	48,514 98	739,402 72
1871-72.	274,849 67	187,600 00	87,249 67	826,652 39
1872-73.	262,296 90	208,000 00	54,296 90	880,949 29
1873-74.	316,643 53	222,507 50	94,136 03	975,085 32
1874-75.	285,481 56	203,000 00	82,481 56	1,057,566 88
1875-76.	266,165 88	181,890 00	84,275 88	1,141,842 76
1876-77.	219,191 71	179,032 00	40,159 71	1,182,002 47
1877-78.	178,701 60	178,795 48	Surplus 93 88	1,181,908 59
1878-79.	180,737 69	169,530 31	11,207 38	1,193,115 97
1879-80.	217,564 39	176,437 00	41,127 39	1,234,243 36
1880-81.	168,788 50	168,008 48	780 02	1,235,023 38
1881-82.	179,407 86	165,513 06	13,894 80	1,248,918 18
1882-83.	239,612 91	162,827 91	76,785 00	1,325,703 18
1883-84.	282,182 94	159,031 03	123,151 91	1,448,855 09
1884-85.	301,897 83	156,801 60	145,096 23	1,593,951 32
1885-86.	245,463 15	159,558 14	85,905 01	1,679,856 33
1886-87.	201,855 01	164,497 69	37,357 32	1,717,213 65
1887-88.	260,934 24	140,001 13	120,933 11	1,838,146 76
1888-89.	216,766 22	138,760 65	78,005 57	1,916,152 33
1889-90.	202,030 23	141,633 00	60,397 23	1,976,549 56
1890-91.	228,505 72	146,276 80	82,228 92	2,058,778 48
1891-92.	231,376 43	116,353 00	115,023 43	2,173,801 91
1892-93.	237,986 01	154,660 65	83,325 36	2,257,127 27
1893-94.	254,290 65	152,069 54	102,221 11	2,359,348 38
	\$6,405,380 45	\$4,046,032 07	\$2,359,442 26	
		Less	93 88	
			\$2,359,348 38	

Table No. 30.

MYSTIC WATER-WORKS.

Payments.

YEAR.	Maintenance, Repairs, etc.	Interest.	Refunded	Paid other Cities and Towns.	Mystic Sewer.	Introduc- tion of Meters and In- spection.	Totals.
To March 1, 1871							
Year ending Mar. 1, 1872, ...							\$1,247,633 19
Mar. 1, 1873, ...							116,554 71
Mar. 1, 1873							97,071 51
	Construction as per statement of Mayor Kent, of Charlestown						\$1,461,259 41
	Less amount charged to Maintenance to balance amount for which the city had been authorized to issue bonds						1,259 41
							\$1,460,000 00
To Mar. 1, 1871, ...	\$150,287 42	\$304,602 12					454,889 54
" 1, 1872, ...	46,819 27	66,373 84					113,193 11
" 1, 1873, ...	63,335 54	77,376 91					140,712 45
Jan. 1, 1874, ...	84,434 06	76,609 58					161,043 64
From Jan. 1 to Apr. 30, 1874, ...	14,148 44	25,692 26					39,840 70
1874-75	114,869 17	101,586 33					216,455 50
1875-76	122,677 49	70,280 00		\$14,882 69	\$24 00		207,864 18
1876-77	89,700 26	66,290 00		21,688 17	1,220 32		178,898 75
1877-78	104,938 49	68,875 00		22,674 92	79,465 11		275,953 52
1878-79	105,746 57	68,027 50		23,794 62	25,508 93		233,077 62
1879-80	104,413 70	63,865 00		43,582 53	2,027 28		213,888 51
1880-81	108,746 19	65,145 00		26,695 28	4,871 63		205,458 10
1881-82	80,753 92	62,445 00		31,106 23	5,743 89		180,049 04
1882-83	98,405 54	62,185 00		34,694 33	3,882 82		199,167 69
1883-84	109,215 59	55,860 00		37,508 51	6,133 60	\$3,458 73	210,176 43
1884-85	120,679 53	48,960 00	\$1,330 00	37,622 32	7,368 12	6,873 80	222,833 77
1885-86	131,755 66	48,930 00	10 00	41,641 11		3,545 78	225,882 55
1886-87	134,038 19	43,817 50	542 42	111,310 99		128 25	289,837 35
1887-88	149,846 95	42,617 50	174 33	89,513 43		2 53	282,154 74
1888-89	160,143 33	41,877 50	37 67	95,530 15		104 35	297,693 00
1889-90	143,203 73	41,842 50	138 16	100,902 50		143 75	286,230 64
1890-91	132,469 92	38,547 50	168 81	107,970 25		742 81	279,899 29
1891-92	116,438 21	21,633 75	35 23	23,501 38			161,608 57
1892-93	129,354 49	19,257 50	128 19	137,621 36			286,361 54
1893-94	160,643 97	18,707 59	151 42	144,101 35			323,604 33
	\$2,777,065 63	\$1,599,404 88	\$2,716 23	\$1,146,342 12	\$136,245 70	\$15,000 00	\$7,136,774 56

Table No. 31.
MYSTIC WATER-WORKS.
Receipts.

YEAR.	Water Rates.	Other Sources.	Mystic Sewer.	Total.
From 1865 to Mar. 1, 1871..	\$518,626 34	.....	.....	\$518,626 34
“ “ 1872..	185,814 79	.....	.....	185,814 79
“ “ 1873	200,141 07	.....	.....	200,141 07
to Jan. 1, 1874..	163,616 97	.....	.....	163,616 97
1873-74..	128,080 30	\$37 51	.....	128,117 81
1874-75..	272,300 40	12,597 21	.....	284,897 61
1875-76..	261,452 19	11,430 33	.....	272,882 52
1876-77..	289,823 11	3,292 38	.....	293,115 49
1877-78..	267,917 34	5,716 06	.....	273,633 40
1878-79..	264,445 42	4,255 68	\$422 81	269,123 91
1879-80..	260,988 62	3,870 67	1,457 37	266,316 66
1880-81..	228,392 47	3,965 30	.....	232,357 77
1881-82..	245,336 77	9,022 06	.....	254,358 83
1882-83..	252,335 27	8,599 13	.....	260,934 40
1883-84..	266,401 20	5,185 40	.....	271,586 60
1884-85..	267,670 59	6,114 25	.....	273,784 84
1885-86..	279,220 87	5,270 63	.....	284,491 50
1886-87..	323,851 03	4,376 91	.....	328,227 94
1887-88..	303,873 18	1,764 47	.....	305,637 65
1888-89..	320,466 35	2,579 49	.....	323,045 84
1889-90..	323,478 65	1,220 02	.....	324,698 67
1890-91..	337,378 13	1,173 74	.....	338,551 87
1891-92..	130,325 75	1,426 19	.....	131,751 94
1892-93..	394,008 75	1,783 72	.....	395,792 47
1893-94..	421,572 93	2,189 67	52,637 00	476,399 60
	\$6,907,518 49	\$95,870 82	\$54,517 18	\$7,057,906 49

Table No. 32.

MYSTIC WATER-WORKS.

Net Result of Expenditures and Receipts.

YEAR.	Total Payments.	Total Receipts.	Net Payments.	Net Receipts.	Cost at close of Year.
From com- mencement to March 1, 1871,	\$1,702,522 73	\$518,626 34	\$1,183,896 39	.....	\$1,183,896 39
1871-72.....	229,747 82	185,814 79	43,933 03	.....	1,227,829 42
1872-73.....	237,783 96	200,141 07	37,642 89	.....	1,265,472 31
1873-74.....	199,624 93	291,734 78	.....	\$92,109 85	1,173,362 46
1874-75.....	216,455 50	284,897 61	.....	68,442 11	1,104,920 35
1875-76.....	207,864 18	272,882 52	.....	65,018 34	1,039,902 01
1876-77.....	178,898 75	293,115 49	.....	114,216 74	925,685 27
1877-78.....	275,953 52	273,633 40	2,320 12	.....	928,005 39
1878-79.....	223,077 62	269,123 91	.....	46,046 29	881,959 10
1879-80.....	213,888 51	266,316 66	.....	52,428 15	829,530 95
1880-81.....	205,458 10	232,357 77	.....	26,899 67	802,631 28
1881-82.....	180,049 04	254,358 83	.....	74,309 79	728,321 49
1882-83.....	199,167 69	260,934 40	.....	61,766 71	666,554 78
1883-84.....	210,176 43	271,586 60	.....	61,410 17	605,144 61
1884-85.....	222,833 77	273,784 84	.....	50,951 07	554,193 54
1885-86.....	225,882 55	284,491 50	.....	58,608 95	495,584 59
1886-87.....	289,837 35	328,227 94	.....	38,390 59	457,194 00
1887-88.....	282,154 74	305,637 65	.....	23,482 91	433,711 09
1888-89.....	297,693 00	323,045 84	.....	25,352 84	408,358 25
1889-90.....	286,230 64	324,698 67	.....	38,468 03	369,890 22
1890-91.....	279,899 29	338,551 87	.....	58,652 58	311,237 64
1891-92.....	161,608 57	131,751 94	29,856 63	.....	341,094 27
1892-93.....	286,361 54	395,792 47	.....	109,430 93	231,663 34
1893-94.....	323,604 33	476,399 60	.....	152,795 27	78,868 07
	\$7,136,774 56	\$7,057,906 49	\$1,297,649 06	\$1,218,780 99	

Table No. 33.
MYSTIC WATER SINKING-FUND RECEIPTS,

FROM THE ANNEXATION OF CHARLESTOWN TO THE EXTINCTION OF THE FUND UPON THE FINAL PAYMENT OF THE MYSTIC WATER DEBT.

YEAR.	From Tax Levy and City Income.	Interest on Investments.	Interest on Bank Deposits.	Water Rates.	Premium on Loans and Accrued Interest.	From the City of Charlestown.	Total Receipts.
1873-74.....	.....	\$780 15	.....	\$88,277 11	.....	\$97,597 95	\$186,655 21
1874-75.....	.....	5,124 99	\$1,006 45	68,442 11	.....	.....	74,573 55
1875-76.....	.....	4,814 92	1,605 60	65,042 34	\$2,925 00	.....	74,887 86
1876-77.....	\$25,152 96	.....	494 54	115,437 06	.....	.....	141,084 56
1877-78.....	.....	125 00	2,752 99	77,144 99	.....	.....	80,022 98
1878-79.....	422 81	1,500 00	3,493 47	71,132 41	.....	.....	76,548 69
1879-80.....	1,457 37	8,450 00	2,851 15	52,998 06	.....	.....	65,756 58
1880-81.....	.....	16,917 34	72 69	31,771 30	.....	.....	48,761 33
1881-82.....	28,573 00	17,153 00	1,585 44	80,053 68	.....	.....	127,365 12
1882-83.....	52,799 00	16,881 05	4,112 03	65,649 53	.....	.....	139,441 61
1883-84.....	10,314 00	6,453 71	9,067 32	.....	.....	.....	25,885 03
1884-85.....	30,642 00	5,849 11	7,419 93	71,002 50	.....	.....	114,913 54
1885-86.....	68 39	2,400 00	9,465 25	65,192 99	.....	.....	77,126 63
1886-87.....	1,375 00	16,348 35	4,635 61	62,154 73	.....	.....	84,513 69
1887-88.....	.....	20,417 64	4,572 90	38,418 84	.....	.....	63,409 38
1888-89.....	.....	20,611 00	4,787 42	23,485 44	.....	.....	48,883 86
1889-90.....	.....	20,232 50	6,171 59	25,457 19	.....	.....	51,861 28
1890-91.....	.....	19,962 50	7,443 39	38,611 78	.....	.....	66,017 67
1891-92.....	.....	12,515 42	3,368 45	59,395 39	.....	.....	75,279 26
1892-93.....	.....	17,405 00	3,640 31	50,000 00	.....	.....	71,045 31
1893-94.....	.....	22,129 53	1,826 72	.....	.....	.....	23,956 25
1894-95.....	.....	3,105 00	578 86	.....	.....	.....	3,683 86
Totals.....	\$150,804 53	\$239,176 21	\$80,952 11	\$1,149,667 45	\$2,925 00	\$97,597 95	\$1,721,123 25

Table No. 34.

**MYSTIC WATER DEBT, GROSS AND NET,
At the Close of Each Fiscal Year.**

Fiscal Year.	Gross Debt.	Sinking-Funds.	Net Debt.	Surplus.
1862-63 ¹	\$100,000 00	.....	\$100,000 00	
1863-64.....	308,000 00	.....	308,000 00	
1864-65.....	583,000 00	.....	583,000 00	
1865-66.....	641,000 00	.....	641,000 00	
1866-67.....	958,000 00	.....	958,000 00	
1867-68.....	1,020,000 00	.....	1,020,000 00	
1868-69.....	1,022,000 00	.....	1,022,000 00	
1869-70.....	1,022,000 00	.....	1,022,000 00	
1870-71.....	1,172,000 00	.....	1,172,000 00	
1871-72.....	1,357,000 00	\$18,151 55	1,338,848 45	
1872-73.....	1,364,000 00	77,768 46	1,286,231 54	
1873-74 ²	1,403,000 00	186,655 21	1,216,344 79	
1874-75.....	1,280,000 00	138,228 76	1,141,771 24	
1875-76.....	1,318,000 00	45,616 62	1,272,383 38	
1876-77.....	1,228,000 00	96,701 18	1,131,298 82	
1877-78.....	1,228,000 00	175,831 79	1,052,168 21	
1878-79.....	1,153,000 00	252,380 48	900,619 52	
1879-80.....	1,153,000 00	318,137 06	834,862 94	
1880-81.....	1,153,000 00	366,898 39	786,101 61	
1881-82.....	1,127,000 00	468,225 12	658,774 88	
1882-83.....	1,027,000 00	506,705 12	520,294 88	
1883-84.....	840,000 00	330,540 15	509,459 85	
1884-85.....	839,000 00	444,453 69	394,546 31	
1885-86.....	839,000 00	521,541 93	317,458 07	
1886-87.....	839,000 00	603,555 62	235,444 30	
1887-88.....	839,000 00	666,965 00	172,035 00	
1888-89.....	839,000 00	715,811 53	123,188 48	
1889-90.....	839,000 00	767,306 65	71,693 36	
1890-91.....	690,000 00	680,929 44	9,070 57	
1891-92.....	482,000 00	550,208 70	.....	\$68,208 70
1892-93.....	441,000 00	579,254 01	.....	138,254 01
1893-94.....	102,000 00	265,210 26	.....	163,210 26

¹ The fiscal year of the city of Charlestown began March 1 and ended February 28.² To April 30, Charlestown annexed to Boston January 5, 1874.

Table No. 35.
COCHITUATE AND MYSTIC WATER-WORKS.
Certain Payments from Revenue.

	1884-85.	1885-86.	1886-87.	1887-88.	1888-89.	1889-90.	1890-91.	9 months, 1891-92.	1892-93.	1893-94.
Cochituate Water-Works ..	\$418,368 97	\$283,920 78	\$327,011 10	\$351,238 38	\$345,938 81	\$367,582 45	\$325,068 74	\$279,456 33	\$348,224 45	\$382,929 32
Supply Department .....	.....	.....	.....	.....	.....	.....	43,394 15	33,025 53	44,537 76	50,478 86
Income Department .....	.....	.....	.....	.....	.....	.....	.....	.....	87,425 93	285,721 20
Extension of Mains .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mystic Water-Works	120,679 53	131,755 66	134,138 19	149,846 95	160,143 33	143,203 73	122,880 80	108,896 64	118,949 83	149,678 79
Supply Department .....	.....	.....	.....	.....	.....	.....	9,589 12	7,541 57	10,404 66	10,965 18
Income Department .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals	\$539,048 50	\$415,676 44	\$461,149 29	\$501,085 33	\$506,082 14	\$510,786 18	\$500,932 81	\$428,920 07	\$609,542 63	\$879,773 35

TABLE NO. 36.

COCHITUATE WATER-WORKS.

**EXPENDITURES 1844-1894, ACCORDING TO
APPROPRIATIONS.**

Table No. 36.
COCHITUATE WATER-WORKS.

YEARS.	EXPENDITURES.				Totals.
	Special Appropriations.	Payments to Mystic Water, and Re-funds.	General Appropriations for Construction and Maintenance.	Interest, Premiums, and Discount.	
1844-45	Sundry expenses, surveys, etc.				\$3,106 67
1845-46	Sundry expenses, surveys, etc.				11,635 89
1846-47	Sundry expenses, surveys, etc.				1,193 52
					<u>\$15,936 08</u>
1846-47			\$415,163 28	\$6,011 50	\$421,174 78
1847-48			1,540,974 42	127,412 01	1,668,386 43
1848-49			1,572,835 67	182,095 10	1,754,930 77
1849-50			580,610 60	234,173 52	814,784 12
1850-51			362,326 76	282,192 79	644,519 55
1851-52			125,625 90	310,421 05	436,046 95
1852-53			109,138 52	303,984 30	413,122 82
1853-54			76,003 59	268,714 62	344,718 21
1854-55			81,956 28	262,519 38	344,475 66
1855-56			64,578 95	264,740 22	329,319 17
1856-57			90,852 62	264,448 36	355,300 98
1857-58			95,465 67	280,748 31	376,213 98
1858-59	New Main from Brookline Reservoir.	\$29,770 47	90,550 65	274,019 74	394,340 86
1859-60	New Main from Brookline Reservoir.	272,223 95	108,270 87	294,873 78	675,368 60
1860-61	New Main from Brookline Reservoir.	2,997 41	117,900 74	284,072 63	404,970 78
1861-62			88,916 22	289,520 04	378,436 26

1862-63	.....	.....	.....	.....	90,838 47	322,644 64	413,483 11
1863-64	.....	.....	.....	.....	96,353 26	434,254 21	530,607 47
1864-65	.....	.....	.....	.....	106,209 00	659,347 81	765,556 81
1865-66	Chestnut-hill Reservoir	.....	.....	.....	127,458 01	453,925 00	688,665 03
1866-67	Chestnut-hill Reservoir	107,282 02	.....	.....	122,207 37	483,451 82	873,260 79
1867-68	Chestnut-hill Reservoir	267,601 60	.....	.....	148,462 79	515,245 33	1,114,832 77
1868-69	Chestnut-hill Reservoir	451,124 65	.....	.....	164,390 89	605,045 92	1,788,015 65
1869-70	Water-works, Wards 13, 14, 15	737,770 00	.....	.....	.....	.....	.....
	Chestnut-hill Reservoir	280,808 84	.....	.....	.....	.....	.....
	Water-works, Wards 13, 14, 15	530,035 88	Mystic, 25,765 81	.....	193,858 27	538,179 31	.....
1870-71	Water to Deer Island	300,369 56	.....	.....	.....	.....	1,588,368 03
	Chestnut-hill Reservoir	159 20	.....	.....	.....	.....	.....
	New Main, E. Boston	329,937 80	Mystic, 38,932 18	.....	238,431 80	685,266 48	.....
	Water-works, Wards 13, 14, 15	630 33	.....	.....	.....	.....	.....
	Water-works, Wards 13, 14, 15	30,895 15	.....	.....	.....	.....	.....
	Water-works, Ward 16	105,088 38	.....	.....	.....	.....	.....
1871-72	Additional Supply of Water	237,298 71	.....	.....	.....	.....	1,666,500 83
	Chestnut-hill Reservoir	2,302 81	Mystic, 47,697 84	.....	277,120 11	536,876 00	.....
	New Main to E. Boston	26,210 12	.....	.....	.....	.....	.....
	New Water-pipes, E. Boston	24,247 75	.....	.....	.....	.....	.....
	Water to Deer Island	12,267 22	.....	.....	.....	.....	.....
	Water-works, Wards 13, 14, 15	40,656 34	.....	.....	.....	.....	.....
	Water-works, Ward 16	14,716 25	.....	.....	.....	.....	.....
1872-73	Water-works, Wards 13, 14, 15, 16	137,701 29	.....	.....	.....	.....	1,312,750 77
	Additional Supply of Water	192,955 04	.....	.....	.....	.....	.....
	High Service, So. Boston	61,278 83	Mystic, 52,338 36	.....	253,963 58	702,177 21	.....
	Water to Deer Island	26,832 25	.....	.....	.....	.....	.....
	New Water-pipes, E. Boston	3,289 31	.....	.....	.....	.....	.....
	Water-works, Wards 13, 14, 15, 16	8,732 21	.....	.....	.....	.....	1,215,655 85
	Water-works, Wards 13, 14, 15, 16	107,044 10	.....	.....	.....	.....	.....
Carried forward		\$4,342,247 47	\$164,734 19	\$7,340,464 29	\$9,866,361 08	\$21,713,807 03	

COCHITUATE WATER-WORKS. — Continued.

YEARS.	Special Appropriations.	Payments to Mystic Water, and Refunds.	Construction, Maintenance, etc.	Interest, Premiums, and Discount.	Totals.
	<i>Brought forward.....</i>	\$4,342,247 47			
1873-74	Additional Supply of Water	114,102 77	\$7,340,464 29	\$9,866,361 08	\$21,713,807 03
	Parker-hill Reservoir	32,690 78	506,888 20	497,016 79	
1874-75	Water-works, Wards 13, 14, 15, 16.....	119,886 01			1,314,505 15
	Parker-hill Reservoir	106,106 23			
	Water-pipes, Wards 17 and 19.....	2,388 59	680,600 97	540,858 77	
	Water-works, Wards 13, 14, 15, 16, and extension to Wards 17 and 19...	104,250 89			
1875-76	Additional Supply of Water.....	224,956 68			1,730,659 64
	Parker-hill Reservoir	89,449 16			
	Siphon, Charles River.....	26,532 35	408,173 52	833,364 81	
	Water-pipes, Wards 17 and 19.....	288,039 03			
1876-77	Additional Supply of Water.....	783,613 49			2,460,419 11
	Additional Supply of Water.....	1,924,060 24	255,134 08	747,624 77	
	Water-works, W. Roxbury and Brigh- ton.....	160,487 71			3,154,241 40
1877-78	Water-works, W. Roxbury and Brigh- ton.....	25,403 78	257,397 09	751,484 94	
1878-79	Additional Supply of Water.....	1,257,715 26			2,340,675 17
1879-80	Additional Supply of Water.....	635,658 08	237,054 35	617,378 20	1,538,941 74
	Additional Supply of Water.....	213,350 97	207,680 27	643,037 93	1,108,132 41
1880-81	Additional Supply of Water.....	35,677 98			
	Additional Supply of Water.....	267,778 80	316,456 56	619,476 52	1,239,389 86
1881-82	New Main.....	2,398 24	325,846 41	598,974 76	

1882-83	Additional Supply of Water.....	97,406 78	.....	.....	.....	1,024,626 19
	Additional Supply of Water.....	167,621 43	.....	317,462 16	630,018 30	1,115,438 07
1883-84	New Main.....	336 18	.....	.....	.....	.....
	New Main.....	71,189 06	Refunds, 15 00	377,974 75	639,213 41	.....
	Additional Supply of Water.....	423,625 79	.....	.....	.....	1,567,363 65
1884-85	Introduction of Meters and Inspection.....	55,345 64	.....	.....	.....	.....
	Additional Supply of Water.....	114,709 87	Refunds, 13,211 83	418,368 97	668,658 07	.....
	Additional Supply of Water.....	276,292 13	.....	.....	.....	.....
	New Main.....	8,297 72	.....	.....	.....	.....
	Extension of Mains, etc.	1,050 90	.....	.....	.....	.....
	High Service	5,332 72	.....	.....	.....	1,505,922 21
1885-86	Introduction of Meters and Inspection.....	84,455 69	Refunds, 416 00	283,920 78	681,758 78	.....
	Additional Supply of Water.....	139,187 68	.....	.....	.....	.....
	Extension of Mains, etc.	157,421 31	.....	.....	.....	.....
	High Service	197,041 33	.....	.....	.....	1,544,201 57
1886-87	High Service	131,272 11	Refunds, 706 75	327,011 10	694,931 76	.....
	Extension of Mains, etc.	167,905 54	.....	.....	.....	.....
	Additional Supply of Water.....	128,109 32	.....	.....	.....	.....
	Introduction of Meters and Inspection.....	10,103 24	.....	.....	.....	1,460,039 82
1887-88	Introduction of Meters and Inspection.....	31,678 54	.....	.....	.....	.....
	Extension of Meters and Inspection.....	371,494 32	Refunds, 481 87	351,238 38	729,380 46	.....
	Extension of Mains, etc.	239,298 88	.....	.....	.....	.....
	High Service	30,332 77	.....	.....	.....	.....
	Additional Supply of Water.....	31,607 72	.....	.....	.....	1,785,512 94
1888-89	Improvement of Lake Cochituate.....	28,576 29	.....	.....	.....	.....
	Improvement of Lake Cochituate.....	150,618 59	Refunds, 452 03	345,938 81	746,239 82	.....
	High Service.....	294,118 79	.....	.....	.....	.....
	Extension of Mains, etc.	2,398 90	.....	.....	.....	.....
	Additional Supply of Water.....	14,241 80	.....	.....	.....	1,582,585 03
1889-90	Introduction of Meters and Inspection.....	12,755 65	Refunds, 2,708 00	367,582 45	760,385 33	.....
	Introduction of Meters and Inspection.....	.....	.....	.....	.....	.....
	Carried forward	\$14,200,621 20	\$537,913 58	\$13,325,193 14	\$21,266,164 50	\$48,186,460 99

COCHITUATE WATER-WORKS. — *Concluded.*

YEARS.	Special Appropriations.	Payments to Mystic Water, and Refunds.	Construction, Maintenance, etc.	Interest, Premiums, and Discount.	Totals.
	<i>Brought forward</i>	\$14,200,621 20			
	Additional Supply of Water	18,518 01	\$13,325,193 14	\$21,266,164 50	\$48,186,460 99
	Shops, Albany St.	421 31			
	Extension of Mains, etc.	299,689 20			
	High Service	15,088 81			
	Improvement of Lake Cochituate	12,318 83			1,489,467 59
1890-91	Shops, Albany St.	59,578 69			
	Introduction of Meters and Inspection	6,709 57		785,117 17	
	Extension of Mains, etc.	267,977 67	368,462 89		
	High Service	27,433 51			
	Improvement of Lake Cochituate	6,131 20			
	Additional Supply of Water	233,710 39			1,755,715 34
1891-92	Additional Supply of Water	281,271 82			
	Extension of Mains, etc.	205,652 56	312,481 86	466,347 78	
	High Service	697 78			1,266,817 19
1892-93	High Service	63,657 77		810,981 63	
	Extension of Mains, etc.	134,689 71	480,188 14		
	Additional Supply of Water	313,844 53			1,804,324 83
1893-94	Additional Supply of Water	190,655 62	719,129 38	826,077 88	
	High Service	36,346 05			1,773,688 11
	Totals	\$16,375,014 43	\$15,205,455 41	\$24,154,688 96	\$56,276,474 05

Table No. 37.

COCHITUATE WATER-WORKS.

Expenditures from 1846 to January 31, 1894, according to the
Sources from which the Money was Obtained.

	From Loans.	From Revenue.	From Taxes.	Totals.
Original cost of Works	\$5,430,711 11			\$5,430,711 11
Chestnut-Hill Reservoir	2,449,982 07			2,449,982 07
New Mains:				
From Brookline Reservoir	304,991 83			304,991 83
From Chestnut-Hill Reservoir	350,000 00			350,000 00
Additional Supply:				
Improvement of Lake Cochituate	78,634 04			78,634 04
Miscellaneous	7,190,305 68	¹ \$355,386 80	\$10,000 00	7,555,692 48
High Service:				
To South Boston	26,832 25			26,832 25
Parker-Hill Reservoir	161,000 00		67,246 17	228,246 17
Miscellaneous	866,787 55			866,787 55
Shops, Albany street	60,000 00			60,000 00
Extensions:				
Water to Deer Island	75,000 00			75,000 00
New Mains to East Boston			24,878 08	24,878 08
New Water-Pipes, East Boston			20,999 43	20,999 43
Water-Works, Wds. 13, 14, and 15	700,000 00	983 03		700,983 03
" Ward 16	375,000 00			375,000 00
" Wds. 13, 14, 15, and 16, ...	415,000 00		4,885 15	419,885 15
" Wards 17 and 19	460,000 00	² 10,570 00	5,749 11	476,319 11
Water-Works, Wds. 13, 14, 15, and 16, and extensions to Wds. 17 and 19	60,000 00		44,250 89	104,250 89
Siphon, Charles River			26,532 35	26,532 35
Extension of Mains	1,900,000 00	³ 373,147 13		2,273,147 13
Water-Meters:				
Introduction of Meters and Inspec- tion	330,000 00			330,000 00
General Account	215,175 92	32,327,954 73	1,554,470 73	34,097,601 38
Totals	\$21,449,420 45	\$33,068,041 69	\$1,759,011 91	\$56,276,474 05

¹ Includes \$352,886.80 Premium on Loans.² Premium on Loan.³ Includes \$182,369.57 Mystic Water Revenue. This expenditure of \$373,147.13 also includes \$75,199.70 paid for Jamaica Pond Aqueduct Co.'s plant in 1893-94.

Total amount of Loans issued to January 31, 1894	\$21,563,711 11
Payments as above	\$21,449,420 45
Payments to Sinking-Fund	17 93
Balances on hand January 31, 1894	114,272 73
	<u>21,563,711 11</u>

Wards 13, 14, and 15 comprised the city of Roxbury.

Ward 16 comprised the town of Dorchester.

" 17 " " " West Roxbury.

" 19 " " " Brighton.

Table No. 38.
COCHITUATE WATER-WORKS.
Receipts.

YEARS.	Total Water Rates, including Hydrants and Department Charges.	From other Sources.	Total.
1846-47.....	.....	\$22,263 39	\$22,263 39
1847-48.....	.....	10,517 54	10,517 54
1848-49.....	\$15,933 01	4,691 66	20,624 67
1849-50.....	142,704 65	10,296 34	153,000 99
1850-51.....	136,290 75	12,734 34	149,025 09
1851-52.....	183,987 56	15,438 92	199,426 48
1852-53.....	193,941 81	9,362 31	203,304 12
1853-54.....	206,736 22	6,941 45	213,677 67
1854-55.....	250,429 82	12,728 81	263,158 63
1855-56.....	284,189 49	7,669 65	291,859 14
1856-57.....	292,181 89	21,060 76	313,242 65
1857-58.....	296,512 25	13,115 97	309,628 22
1858-59.....	313,694 60	40,516 72	354,211 32
1859-60.....	341,479 50	11,985 87	353,465 37
1860-61.....	363,561 08	8,729 59	372,290 67
1861-62.....	369,261 53	11,307 08	380,568 61
1862-63.....	391,588 85	9,219 51	400,808 36
1863-64.....	420,281 99	13,972 62	434,254 61
1864-65.....	439,834 21	24,076 70	463,910 91
1865-66.....	462,221 92	10,986 83	473,208 75
1866-67.....	517,101 95	13,424 85	530,526 80
1867-68.....	538,879 66	13,286 65	552,166 31
1868-69.....	593,150 49	16,863 03	610,013 52
1869-70.....	655,217 29	20,442 22	675,659 51
1870-71.....	795,718 92	32,336 63	828,055 55
1871-72.....	859,578 85	30,091 81	889,670 66
1872-73.....	933,464 67	20,896 37	954,361 04
1873-74.....	993,914 88	40,486 18	1,034,401 06
1874-75.....	1,039,201 10	45,779 68	1,084,980 78
1875-76.....	1,075,727 98	193,960 99	1,269,688 97
1876-77.....	1,073,593 39	244,609 42	1,318,202 81
1877-78.....	1,060,537 81	24,720 40	1,085,258 21
1878-79.....	1,059,067 21	31,286 57	1,090,353 78
1879-80.....	1,093,104 52	20,608 30	1,113,712 82
1880-81.....	1,113,028 79	20,335 23	1,133,364 02
1881-82.....	1,094,869 63	24,285 98	1,119,155 61
1882-83.....	1,140,020 88	25,282 34	1,165,303 22
1883-84.....	1,199,657 10	26,804 45	1,226,461 55
1884-85.....	1,195,946 03	24,421 96	1,220,367 99
1885-86.....	1,236,472 20	28,052 31	1,264,524 51
1886-87.....	1,217,274 87	34,075 97	1,251,350 84
1887-88.....	1,302,262 06	36,852 22	1,339,114 28
1888-89.....	1,360,444 09	197,935 77	1,558,379 86
1889-90.....	1,350,817 76	59,177 24	1,409,995 00
1890-91.....	1,405,537 67	63,528 09	1,469,065 76
1891-92.....	816,357 53	101,215 11	917,572 64
1892-93.....	1,433,413 78	40,936 09	1,474,349 87
1893-94.....	1,637,531 94	54,627 79	1,692,159 73
Totals.....	\$34,896,724 18	\$1,763,939 71	\$36,660,663 89

¹ Including \$150,000 from sale of the reservoir lot on Derne street. The money, however, was not credited to the Water Works, but was used for municipal purposes. See Doc. 123 of 1883, and Doc. 49 of 1889.

Table No. 39.

COCHITUATE WATER-RATES.

Assessments, Abatements, and Net Assessments, less Hydrant Charges, from January 1, 1880, to December 31, 1894.

YEAR.	Assessments.	Abatements.	Net Assessments.	Hydrant Charges.	Net Assessments exclusive of Hydrant Charges.
1880....	\$1,086,456 37	\$35,895 95	\$1,050,560 42	\$73,764 00	\$976,796 42
1881....	1,129,547 69	28,334 91	1,101,212 78	83,080 00	1,018,132 78
1882....	1,157,840 03	25,654 31	1,132,185 72	84,460 00	1,047,725 72
1883....	1,213,310 06	18,247 82	1,195,062 24	85,760 00	1,109,302 24
1884....	1,224,265 89	13,683 89	1,210,582 00	86,180 00	1,124,402 00
1885....	1,372,756 86	111,360 40	1,261,396 46	90,720 00	1,170,676 46
1886....	1,282,322 47	89,353 33	1,192,969 14	86,837 20	1,106,131 94
1887....	1,279,892 12	47,443 64	1,232,448 48	83,610 00	1,148,838 48
1888....	1,342,381 35	26,069 04	1,316,312 31	86,976 00	1,229,336 31
1889....	1,403,736 71	42,227 07	1,361,509 64	74,250 00	1,287,259 64
1890....	1,484,767 08	83,413 22	1,401,353 86	71,368 20	1,329,985 66
1891....	1,575,233 49	125,539 69	1,449,693 80	71,401 50	1,378,292 30
1892....	1,580,757 97	25,480 17	1,555,277 80	11,072 00	1,544,205 80
1893....	1,672,059 21	23,141 18	1,648,918 03	11,724 00	1,637,194 03
1894....	1,704,465 08	21,845 68	1,682,619 40	12,084 00	1,670,535 40

Table No. 40.
AMOUNTS PAID BY THE DEPARTMENTS OF
FROM 1854 TO

YEAR.	Fire Depart- ment.	Public Schools.	Police De- partment.	Health De- partment.	Public Buildings.	Public Insti- tutions.
1854..	\$315 00	\$1,290 00	\$80 00	\$658 00	\$232 00	\$775 00
1855..	381 00	1,525 00	87 00	664 00	238 00	737 00
1856..	381 00	1,525 00	98 00	664 00	238 00	711 22
1857..	381 00	1,532 00	98 00	664 00	232 00	842 00
1858..	462 00	1,614 00	210 00	668 00	259 50	929 56
1859..	417 00	1,592 00	215 00	668 00	259 50	879 56
1860..	415 00	1,624 00	367 00	663 75	283 50	879 56
1861..	430 00	1,836 00	447 00	682 00	517 50	879 56
1862..	462 00	1,847 00	625 00	682 00	548 75	879 56
1863..	462 00	1,840 00	625 00	827 00	576 75	879 56
1864..	415 00	1,888 00	719 00	890 00	567 00	929 56
1865..	592 00	1,894 00	728 00	927 56	482 00	937 00
1866..	603 00	1,882 00	1,004 35	905 75	880 89	1,302 53
1867..	603 50	1,970 00	961 71	905 75	1,027 56	1,425 25
1868..	530 00	1,932 00	1,006 37	1,715 54	1,340 42	1,940 11
1869..	545 00	2,278 00	1,207 33	1,409 49	1,218 46	3,784 36
1870..	33,599 00	2,666 00	1,054 27	2,822 74	1,405 00	4,335 68
1871..	36,443 00	2,958 00	1,077 54	2,392 13	741 98	4,113 69
1872..	45,410 00	3,000 00	988 89	2,157 14	829 58	3,631 00
1873..	49,566 00	3,238 00	1,144 63	1,673 75	787 67	6,086 22
1874..	55,378 00	3,214 00	1,095 91	1,076 25	747 38	6,600 46
1875..	60,450 00	3,364 00	1,136 31	1,144 67	735 59	6,940 38
1876..	67,944 50	3,358 00	1,243 50	1,612 89	1,003 52	6,528 10
1877..	70,696 50	3,904 00	1,010 41	2,572 16	816 87	5,985 33
1878..	72,526 50	3,742 00	819 94	2,601 25	630 41	6,305 15
1879..	73,816 50	4,227 00	671 29	3,517 50	688 00	5,710 52
1880..	75,064 00	3,796 00	665 43	917 50	578 25	6,090 91
1881..	84,360 00	3,653 00	638 38	917 50	295 33	7,306 51
1882..	85,755 00	4,350 18	893 36	917 50	278 97	6,734 83
1883..	87,055 00	3,616 28	1,373 15	917 50	612 00	6,908 57
1884..	87,475 00	3,315 70	1,471 00	917 50	577 50	6,658 25
1885..	92,025 00	3,362 90	1,229 00	917 50	570 00	8,023 00
1886..	88,073 30	3,547 40	1,135 50	900 05	545 78	7,327 81
1887..	84,780 00	4,010 50	1,483 90	981 50	693 00	8,193 40
1888..	88,381 00	4,279 99	1,666 60	1,036 75	832 10	9,069 06
1889..	75,695 00	4,374 71	1,902 10	1,036 75	920 30	9,678 47
1890..	72,726 00	4,887 58	1,818 83	985 57	1,520 67	10,909 99
1891..	72,762 00	4,311 95	2,131 50	957 83	1,052 35	11,058 40
1892..	12,657 00	4,735 20	2,451 90	Consolidated Street Department.	1,263 10	11,582 40
1893..	13,359 00	5,630 97	2,488 30		1,705 30	11,053 20
1894..	13,858 60	4,440 50	2,334 30		1,413 40	10,049 10
	\$1,607,250 40	\$124,052 86	\$42,404 70	\$46,568 77	\$30,145 88	\$205,591 08

Table No. 40.—*Continued.*THE CITY OF BOSTON, FOR USE OF WATER,
OCTOBER 1, 1894.

City Hos- pital.	Public Library.	Lamp Department.	Urinals for Markets.	Park Department.	Commons and Squares.	Cemeteries.
.....	\$5 00	.....	\$70 00	.....	.....	.....
.....	6 00	.....	70 00	.....	.....	.....
.....	6 00	.....	70 00	.....	.....	.....
.....	6 00	.....	76 00	.....	.....	.....
.....	50 00	.....	76 00	.....	.....	.....
.....	50 00	.....	70 00	.....	.....	.....
.....	50 00	.....	70 00	.....	.....	.....
.....	50 00	.....	70 00	.....	.....	.....
.....	50 00	.....	70 00	.....	.....	.....
.....	50 00	.....	70 00	.....	.....	.....
.....	50 00	.....	70 00	.....	.....	.....
.....	50 00	.....	.....	.....	.....	.....
.....	50 00	.....	.....	.....	\$60 00	.....
\$1,048 63	50 00	.....	.....	.....	60 00	.....
1,924 00	50 00	.....	.....	.....	60 00	.....
2,607 37	50 00	.....	.....	.....	160 00	.....
2,264 20	50 00	.....	.....	.....	160 00	.....
2,700 50	50 00	.....	.....	.....	335 00	.....
3,105 00	58 50	.....	.....	.....	335 00	.....
2,963 40	69 50	.....	.....	.....	335 00	.....
2,482 69	78 00	.....	.....	.....	335 00	.....
2,384 14	93 50	.....	.....	.....	335 00	.....
1,983 35	93 50	\$17 25	.....	.....	335 00	.....
2,272 81	162 50	22 25	.....	.....	335 00	.....
2,592 22	146 50	42 25	.....	.....	335 00	.....
2,453 26	60 50	42 25	.....	.....	385 00	.....
2,102 04	71 50	42 25	67 50	.....	385 00	.....
2,020 69	.....	42 25	67 50	.....	385 00	.....
1,869 53	.....	42 25	67 50	.....	385 00	.....
2,159 88	.....	20 00	67 50	.....	410 00	.....
2,291 33	.....	20 00	67 50	.....	385 00	.....
2,096 50	236 00	20 00	67 50	\$150 00	390 00	\$25 50
2,338 50	235 50	20 00	67 50	28 00	350 00	118 00
2,104 30	223 72	21 15	63 45	31 02	347 80	114 92
2,632 60	238 00	22 50	67 50	242 12	406 00	120 80
3,146 20	214 00	26 25	62 50	171 68	458 00	94 90
2,196 40	214 00	26 25	62 50	889 75	502 85	89 50
2,228 95	199 02	24 42	58 13	1,688 95	486 13	86 09
2,823 70	127 80	23 62	56 25	1,876 17	539 10	77 55
2,612 80	142 00	26 25	62 50	2,693 00	599 00	86 90
2,825 20	142 00	26 25	62 50	3,465 08	579 00	89 70
2,240 80	142 00	23 75	62 50	821 50	613 20	102 30
\$68,470 99	\$3,621 04	\$551 19	\$1,742 33	\$12,057 27	\$10,786 08	\$1,006 16

AMOUNTS PAID BY THE DEPARTMENTS. — *Continued.*

YEAR.	Board of Health.	City Surveyor.	Ferries.	Paving Department.	Sewer Department.	Bridge Department.
1854.....					\$75 00	
1855.....					75 00	
1856.....					75 00	
1857.....					75 00	
1858.....					75 00	
1859.....					75 00	
1860.....					75 00	
1861.....					75 00	
1862.....					75 00	
1863.....					75 00	
1864.....					50 00	
1865.....				\$9 00	50 00	
1866.....				9 00	50 00	
1867.....				9 00	56 00	
1868.....				9 00	56 00	
1869.....				6 00	56 00	
1870.....			\$3,585 13	167 00	225 00	
1871.....			3,794 87	228 00	250 00	
1872.....			4,860 98	227 00	250 00	
1873.....	\$943 91		4,797 23	202 00	250 00	
1874.....	933 04	\$12 00	4,679 95	271 50	250 00	
1875.....	1,336 50	12 00	5,381 53	327 75	250 00	
1876.....	1,382 41	16 00	4,752 39	377 75	250 00	
1877.....	582 72	16 00	4,278 03	442 75	250 00	\$82 00
1878.....	808 08		4,236 27	431 50	250 00	82 00
1879.....	588 21		3,296 30	423 75	200 00	82 00
1880.....	775 38		2,755 89	3,523 75	200 00	82 00
1881.....	750 75		2,760 76	4,170 51	200 00	82 00
1882.....	841 56		2,753 20	5,410 80	200 00	80 00
1883.....	1,176 25	12 50	3,805 50	6,761 11	256 00	80 00
1884.....	1,335 25	12 50	3,473 34	5,767 00	256 00	80 00
1885.....	1,013 00	12 50	3,807 96	7,008 07	1,297 00	95 00
1886.....	915 85	11 75	3,451 81	4,393 57	976 60	98 70
1887.....	968 60	12 50	3,516 30	4,126 03	1,326 40	120 00
1888.....	936 75	15 00	3,446 00	3,639 15	3,867 02	170 00
1889.....	950 00	15 00	3,232 70	6,442 29	4,951 80	175 00
1890.....	839 23	13 95	3,373 30	7,538 97	6,522 18	162 75
1891.....	926 63	13 50	3,345 00	7,768 95	5,165 24	144 00
1892.....	1,069 40	15 00	3,334 00	Consolidated		Street Department.
1893.....	1,005 40		2,947 20	Street Department.		
1894.....	974 20		2,703 60			
	\$21,053 12	\$190 20	\$92,369 24	\$69,691 20	\$28,711 24	\$1,615 45

AMOUNTS PAID BY THE DEPARTMENTS. — *Concluded.*

Consolidat'd Street De- partment.	Weights and Measures.	Suffolk County.	Suffolk Street Dis- trict.	Northamp- ton Street District.	Mystic Water- Works.	Total by Year.
.....	\$9 00	\$225 00	.....	.....	.....	\$3,734 00
.....	9 00	225 00	.....	.....	.....	4,017 00
.....	9 00	225 00	.....	.....	.....	4,002 22
.....	9 00	243 00	.....	.....	.....	4,158 00
.....	9 00	243 00	.....	.....	.....	4,596 06
.....	9 00	243 00	.....	.....	.....	4,478 06
.....	9 00	243 00	.....	.....	.....	4,679 81
.....	9 00	243 00	.....	.....	.....	5,239 06
.....	9 00	243 00	.....	.....	.....	5,491 31
.....	9 00	243 00	.....	.....	.....	5,657 31
.....	9 00	243 00	.....	.....	.....	5,760 56
.....	9 00	243 00	.....	.....	.....	5,981 56
.....	9 00	659 24	.....	.....	.....	8,464 39
.....	9 00	874 34	.....	.....	.....	9,876 11
.....	9 00	644 89	.....	.....	.....	12,000 70
.....	9 00	489 18	.....	.....	.....	13,477 02
.....	11 00	526 25	.....	.....	.....	53,482 57
.....	11 00	468 36	.....	.....	.....	55,977 05
.....	11 00	1,836 79	\$227 40	.....	.....	66,797 68
.....	11 00	1,777 22	.....	.....	.....	73,373 32
.....	11 00	2,025 97	.....	\$108 50	.....	79,216 60
.....	11 00	2,219 68	.....	.....	.....	85,738 51
.....	11 00	1,429 64	.....	.....	.....	92,702 26
.....	11 00	1,716 11	.....	.....	.....	95,479 85
.....	.....	835 27	.....	.....	.....	96,209 38
.....	.....	761 56	.....	.....	\$19,172 70	115,823 62
.....	.....	874 39	.....	.....	.....	97,838 94
.....	.....	1,033 29	.....	.....	.....	108,532 31
.....	.....	997 93	.....	.....	.....	111,870 71
.....	.....	601 50	.....	.....	.....	115,939 19
.....	.....	811 50	.....	.....	.....	115,136 04
.....	.....	1,022 00	.....	.....	.....	123,540 43
.....	.....	858 10	.....	.....	.....	115,142 58
.....	.....	1,006 40	.....	.....	.....	114,948 05
.....	.....	1,028 70	.....	.....	.....	122,541 65
.....	.....	1,225 60	.....	.....	.....	114,580 97
.....	.....	1,330 00	.....	.....	.....	117,400 71
.....	.....	1,733 60	.....	.....	.....	116,895 14
\$10,183 47	.....	1,447 60	.....	.....	.....	54,961 52
8,956 25	.....	1,456 90	.....	.....	.....	55,792 25
4,211 20	.....	1,105 20	.....	.....	.....	45,096 15
\$23,350 92	\$232 00	\$35,659 21	\$227 40	\$108 50	\$19,172 70	\$2,446,630 65

Table No. 41.

AMOUNTS PAID BY FIRE DEPARTMENT

For use of Water for Hydrants and Reservoirs from
1870 to 1894, inclusive.

DATE.	Number.	Rate.	Amount.
1870	1833	\$18 00	\$32,994 00
1871	1991	18 00	35,838 00
1872	2485	18 00	44,730 00
1873	2702	18 00	48,636 00
1874	3016	18 00	54,288 00
1875	3295	18 00	59,310 00
1876	5707	18 00	66,726 00
1877	3851	18 00	69,318 00
1878	3951	18 00	71,118 00
1879	4027	18 00	72,486 00
1880	4098	18 00	73,764 00
1881	4154	20 00	83,080 00
1882	4223	20 00	84,460 00
1883	4288	20 00	85,760 00
1884	4309	20 00	86,180 00
1885	4536	20 00	90,720 00
1886	4619	20 00	¹ 92,380 00
1887	4645	18 00	83,610 00
1888	4832	18 00	86,976 00
1889	4950	15 00	74,250 00
1890	5116	15 00	² 76,740 00
1891	5289	15 00	³ 79,335 00
1892	5536	2 00	11,072 00
1893	5862	2 00	11,724 00
1894	6042	2 00	12,084 00

¹ \$5,542.80 refunded.² \$5,371.80 refunded.³ \$7,933.50 refunded.

N.B. — The payments in this table are also included in Table 40.

Table No. 42.

COCHITUATE WATER-WORKS.

Net Result of Expenditures and Receipts.

YEAR.	Total Payments.	Total Receipts.	Net Payments.	Net Receipts.	Cost at close of Year.
1846-47..	\$421,174 78	\$22,263 39	\$398,911 39		\$398,911 39
1847-48..	1,668,386 43	10,517 54	1,657,868 89		2,056,780 28
1848-49..	1,754,930 77	20,624 67	1,734,306 10		3,791,086 38
1849-50..	814,784 12	153,000 99	661,783 13		4,452,869 51
1850-51..	644,519 55	149,025 09	495,494 46		4,948,363 97
1851-52..	436,046 95	199,426 48	236,620 47		5,184,984 44
1852-53..	413,122 82	203,304 12	209,818 70		5,394,803 14
1853-54..	344,718 21	213,677 67	131,040 54		5,525,843 68
1854-55..	344,475 66	263,158 63	81,317 03		5,607,160 71
1855-56..	329,319 17	291,859 14	37,460 03		5,644,620 74
1856-57..	355,300 98	313,242 65	42,058 33		5,686,679 07
1857-58..	376,213 98	309,628 22	66,585 76		5,753,264 83
1858-59..	394,340 86	354,211 32	40,129 54		5,793,394 37
1859-60..	675,368 60	353,465 37	321,903 23		6,115,297 60
1860-61..	404,970 78	372,290 67	32,680 11		6,147,977 71
1861-62..	378,436 26	380,568 61		\$2,132 35	6,145,845 36
1862-63..	413,483 11	400,808 36	12,674 75		6,158,520 11
1863-64..	530,607 47	434,254 61	96,352 86		6,254,872 97
1864-65..	765,556 81	463,910 91	301,645 90		6,556,518 87
1865-66..	688,665 03	473,208 75	215,456 28		6,771,975 15
1866-67..	873,260 79	530,526 80	342,733 99		7,114,709 14
1867-68..	1,114,832 77	552,166 31	562,666 46		7,677,375 60
1868-69..	1,788,015 65	610,013 52	1,178,002 13		8,855,377 73
1869-70..	1,588,268 03	675,659 51	912,708 52		9,768,086 25
1870-71..	1,666,500 83	828,055 55	838,445 28		10,606,531 53
1871-72..	1,312,750 77	889,670 66	423,080 11		11,029,611 64
1872-73..	1,215,655 85	954,361 04	261,294 81		11,290,906 45
1873-74..	1,314,505 15	1,034,401 06	280,104 09		11,571,010 54
1874-75..	1,730,659 64	1,084,980 78	645,678 86		12,216,689 40
1875-76..	2,460,419 11	1,269,688 97	1,190,730 14		13,407,419 54
1876-77..	3,154,241 40	1,318,202 81	1,836,038 59		15,243,458 13
1877-78..	2,340,675 17	1,085,258 21	1,255,416 96		16,498,875 09
1878-79..	1,538,941 74	1,090,353 78	448,587 96		16,947,463 05
1879-80..	1,108,132 41	1,113,712 82		5,580 41	16,941,882 64
1880-81..	1,239,389 86	1,133,364 02	106,025 84		17,047,908 48
1881-82..	1,024,626 19	1,119,155 61		94,529 42	16,953,379 06
1882-83..	1,115,438 07	1,165,303 22		49,865 15	16,903,513 91
1883-84..	1,567,363 65	1,226,461 55	340,902 10		17,244,416 01
1884-85..	1,505,922 21	1,220,367 99	285,554 22		17,529,970 23
1885-86..	1,544,201 57	1,264,524 51	279,677 06		17,809,647 29
1886-87..	1,460,039 82	1,251,350 84	208,688 98		18,018,336 27
1887-88..	1,785,512 94	1,339,114 28	446,398 66		18,464,734 93
1888-89..	1,582,585 03	1,558,379 86	24,205 17		18,888,940 10
1889-90..	1,489,467 59	1,409,995 00	79,472 59		18,568,412 69
1890-91..	1,755,715 34	1,469,065 76	286,649 58		18,855,062 27
1891-92..	1,266,817 19	917,572 64	349,244 55		19,204,336 82
1892-93..	1,804,324 83	1,474,349 87	329,974 96		19,534,281 78
1893-94..	1,773,688 11	1,692,159 73	81,528 38		19,615,810 16
Totals ...	\$56,276,474 05	\$36,660,663 89	\$19,767,917 49	\$152,107 33	

Table No. 43.
COCHITUATE WATER LOANS,
Authorized, Issued, and Expended to January 31, 1894.

PURPOSE OF LOAN SPECIFIED IN THE ORDER.	Date of Order.	Amount authorized by the Order.	Actual amount issued for the purpose specified in the first column.	Amount expended for the pur- poses specified in the first column.	Unexpended balance, Feb. 1, 1894.
<i>Original Cost of Works.</i>					
(Including deficit in interest and current expense ac- counts to Apr. 30, 1853, un- der authority of St. 1846, ch. 167, and St. 1849, ch. 187.)	June 8, 1846 (temporary) June 22, 1846 May 3, 1852	\$2,500,000 00 balance authorized	\$5,430,711 11	\$5,430,711 11	
<i>Chestnut-Hill Reservoir.</i>					
	Dec. 13, 1864	\$50,000 00			
	Sept. 9, 1865	30,000 00	\$50,000 00		
	Nov. 10, 1865	30,000 00	30,000 00		
	Nov. 17, 1865	300,000 00	300,000 00		
	May 28, 1867	300,000 00	300,000 00		
	May 26, 1867	200,000 00	200,000 00		
	April 21, 1868	250,000 00	250,000 00		
	June 29, 1868	540,000 00	540,000 00		
	July 2, 1869	500,000 00	500,000 00		
	July 2, 1870	250,000 00	250,000 00		
			\$2,450,000 00 17 83		
Paid into the Sinking-Funds,					
			2,450,000 00		
<i>New Mains.</i>					
From Brookline Reservoir	June 30, 1853	\$400,000 00	\$305,000 00		
Transferred to "General Purposes";			8 17		
			\$304,991 83		
			280,000 00		
			70,000 00		
From Chestnut-Hill Reservoir, Mar. 20, 1850		250,000 00			
From Chestnut-Hill Reservoir, Mar. 3, 1853		70,000 00			
			750,000 00		
				2,449,982 07	
					654,991 83

COCHITUATE WATER LOANS. — Concluded.

PURPOSE OF LOAN SPECIFIED IN THE ORDER.	Date of Order.	Amount authorized by the Order.	Actual amount issued for the purpose specified in the first column.	Amount expended for the pur- pose specified in the first column.	Unexpended balance, Feb. 1, 1894.
<i>Amounts brought forward, Extensions: in annexed districts.</i>					
Roxbury and Dorchester.	Apr. 21, 1868 Dec. 15, 1868 Oct. 2, 1869 Apr. 15, 1870 July 19, 1870 June 27, 1871 June 6, 1873 June 6, 1874 June 6, 1874 Dec. 24, 1874 Apr. 30, 1875 Dec. 31, 1875 Sept. 24, 1879 Apr. 24, 1870 Mar. 5, 1885 Apr. 17, 1886 Jan. 1, 1887 May 28, 1887 Oct. 15, 1887 June 4, 1888 Sept. 29, 1888 Apr. 15, 1889 Nov. 13, 1889 Oct. 13, 1890 June 27, 1891 June 23, 1892	\$200,000 00 250,000 00 125,000 00 125,000 00 375,000 00 300,000 00 115,000 00 50,000 00 10,000 00 200,000 00 100,000 00 160,000 00 54,000 00 21,000 00 200,000 00 100,000 00 200,000 00 150,000 00 150,000 00 100,000 00 200,000 00 150,000 00 250,000 00 100,000 00 100,000 00	\$17,033,517 26	\$16,919,244 53	\$114,272 73
Brighton and W. Roxb'y,	June 6, 1874 June 6, 1874 Dec. 24, 1874 Apr. 30, 1875 Dec. 31, 1875 Sept. 24, 1879 Apr. 24, 1870 Mar. 5, 1885 Apr. 17, 1886 Jan. 1, 1887 May 28, 1887 Oct. 15, 1887 June 4, 1888 Sept. 29, 1888 Apr. 15, 1889 Nov. 13, 1889 Oct. 13, 1890 June 27, 1891 June 23, 1892	10,000 00 200,000 00 100,000 00 160,000 00 54,000 00 21,000 00 200,000 00 100,000 00 200,000 00 150,000 00 150,000 00 100,000 00 200,000 00 150,000 00 250,000 00 100,000 00 100,000 00	\$3,885,000 00 100,000 00	3,985,000 00	3,985,000 00
<i>To Deer Island</i>					
<i>"Extension of Mains" . . .</i>					
Transferred from "High Service"					
<i>"Introduction of Meters" .</i>	June 2, 1893 Jan. 4, 1884	\$80,000 00 250,000 00	\$80,000 00 250,000 00	330,000 00	330,000 00

"General Purposes" . . .	Feb. 17, 1854 July 14, 1860 Dec. 8, 1860 Dec. 20, 1873	\$16,000 00 16,000 00 5,000 00 175,000 00		\$16,000 00 16,000 00 5,000 00 175,000 00		\$212,000 00 8 17 \$212,008 17 3,167 75		215,175 92 \$21,563,693 18 17 95		215,175 82 \$21,449,420 45		\$114,272 73
Transferred from "New Mains"												
Transferred from "High Service"												
Totals												
Issued and paid to sink'g funde												
Total amount issued												

1 Issued as City Debt.

Table No. 44.
COCHITUATE WATER SINKING-FUND RECEIPTS
[SINCE THE ESTABLISHMENT OF THE BOARD OF SINKING-FUND COMMISSIONERS IN 1871].

Year.	From Tax Levy or City Income.	Interest on Investments.	Interest on Bank Deposits.	Water Rates, etc.	Premiums on Loans.	Other Sources.	TOTALS.
1871, April 30, received from Committee on Re- duction of Debt.....							
1871-72	\$1,100,000 00						\$1,100,000 00
1872-73	14,325 00	\$61,000 00	\$349 67				85,049 67
1873-74	{ Taxes, 9,375 00	70,137 50	1,017 80				80,155 30
1874-75	30,090 00	76,799 60	2,072 65				108,962 25
1875-76	75,973 28	82,842 25	2,121 13				160,936 66
1876-77	65,554 00	85,470 00	3,617 55			\$386 00	155,027 55
1877-78	294,814 00	86,245 66	4,119 47	\$26,480 18		915 46	352,574 77
1878-79	Taxes, 214,500 00	85,830 85	10,809 31	27,099 92			338,240 08
1879-80	Taxes, 207,456 00	93,264 49	6,181 26	177,195 91		9,874 21	493,971 87
1880-81		90,472 42	5,687 62	214,707 24		4,411 64	315,278 92
1881-82		86,460 00	167 32	195,668 90		1,762 04	284,038 26
1882-83		96,546 35	2,767 90	193,840 36		494 08	293,648 69
1883-84		105,129 51	8,486 33	216,581 72		1,241 04	331,438 60
1884-85	Taxes, 973 00	138,120 90	2,268 22				141,362 12
1885-86		143,030 45	7,510 40	209,258 39			359,818 24
1886-87		156,694 01	5,804 31	120,129 12		442 27	283,069 71
1887-88	Taxes, 75,496 00	181,264 89	2,644 70	297,928 95		5,081 12	562,415 66
1888-89		199,883 90	4,178 16	221,620 11			425,682 17
1889-90		213,048 22	8,958 69	256,013 57	\$11,552 50		489,572 98
1890-91		228,000 83	11,730 60	300,903 00	36,092 50		576,726 93
1891-92		229,509 17	29,763 94	242,675 22	36,530 00		538,478 33
1892-93		175,808 33	22,560 16	275,014 05		78,865 00	552,247 54
1893-94		298,506 20	30,148 34	240,435 00			547,508 04
		298,224 44	18,133 03	299,467 27	14,621 75		630,446 49
	\$2,037,556 28	\$3,244,308 97	\$191,098 56	\$3,515,018 91	\$115,210 25	\$103,472 86	\$9,206,665 83

Table No. 45.

**COCHITUATE WATER DEBT, GROSS AND NET,
At the Close of Each Fiscal Year.**

Fiscal Year.	Gross Debt.	Sinking-Funds.	Net Debt.
1847-48....	\$2,129,056 32 ¹	.....	\$2,129,056 32
1848-49....	3,787,328 98	.....	3,787,328 98
1849-50....	4,463,205 56	.....	4,463,205 56
1850-51....	4,955,613 51	.....	4,955,613 51
1851-52....	5,209,223 26	.....	5,209,223 26
1852-53....	5,972,976 11	.....	5,972,976 11
1853-54....	5,432,261 11	.....	5,432,261 11
1854-55....	5,403,961 11	.....	5,403,961 11
1855-56....	5,230,961 11	.....	5,230,961 11
1856-57....	5,031,961 11	.....	5,031,961 11
1857-58....	4,724,961 11	.....	4,724,961 11
1858-59....	4,754,461 11	.....	4,754,461 11
1859-60....	3,846,211 11	.....	3,846,211 11
1860-61....	3,455,211 11	.....	3,455,211 11
1861-62....	3,012,711 11	.....	3,012,711 11
1862-63....	2,992,711 11	.....	2,992,711 11
1863-64....	2,992,711 11	.....	2,992,711 11
1864-65....	2,942,711 11	.....	2,942,711 11
1865-66....	3,152,711 11	.....	3,152,711 11
1866-67....	3,370,711 11	.....	3,370,711 11
1867-68....	3,867,711 11	.....	3,867,711 11
1868-69....	5,107,711 11	.....	5,107,711 11
1869-70....	5,731,711 11	.....	5,731,711 11
1870-71....	6,482,711 11	\$1,100,000 00	5,382,711 11
1871-72....	6,812,711 11	1,185,049 67	5,627,661 44
1872-73....	6,912,711 11	1,268,234 97	5,644,476 14
1873-74....	7,863,711 11	1,372,953 62	6,490,757 49
1874-75....	8,123,711 11	1,533,890 28	6,589,820 83
1875-76....	9,735,711 11	1,560,917 83	8,174,793 28
1876-77....	11,548,711 11	1,709,492 60	9,839,218 51
1877-78....	11,545,273 98	2,043,764 73	9,501,509 25
1878-79....	11,753,273 98	2,143,847 85	9,609,426 13
1879-80....	11,697,273 98	1,771,692 92	9,925,581 06
1880-81....	11,631,273 98	1,989,300 88	9,641,973 10
1881-82....	11,631,273 98	2,281,857 89	9,349,416 09
1882-83....	11,955,273 98	2,607,768 46	9,347,505 52
1883-84....	12,882,273 98	2,746,505 58	10,135,768 40
1884-85....	13,045,473 98	3,106,323 82	9,939,150 16
1885-86....	13,491,473 98	3,385,201 26	10,106,272 72
1886-87....	14,142,273 98	3,947,616 92	10,194,657 06
1887-88....	14,741,273 98	4,373,304 09	10,367,969 89
1888-89....	14,941,273 98	4,864,092 54	10,077,181 44
1889-90....	15,696,273 98	5,440,819 47	10,255,454 51
1890-91....	16,267,773 98	5,979,297 80	10,288,476 18
1891-92....	16,423,773 98	6,471,545 34	9,952,228 64
1892-93....	16,758,773 98	7,019,058 38	9,739,715 60
1893-94....	17,055,273 98	7,649 504 87	9,405,769 11

¹ No account taken of amounts borrowed temporarily from 1846 to 1852 and afterwards funded by the issue of the water bonds that figure in this statement.

Wood Island Park	" 6, 1883,	Chap. 185, Acts 1875	Loan,	"	5,000 00	"	1,000 00	Transferred to Arboretum, 4,000 00
City Point Park (Marine Park),	" 17, 1883,	Chap. 185, Acts 1875	Loan,	"	120,000 00	Land	120,000 00	
Marine Park	June 24, 1883,	"	Appropriation,	"	3,000 00	Construction	3,000 00	
Charles River Embankment	" 21, 1883,	"	"	"	1,000 00	"	1,000 00	
Arnold Arboretum	Jan. 1, 1884,	Transfer'd from Wood Island Park.	"	"	4,000 00	"	4,000 00	
"	" 1, 1884,	Transfer'd from Muddy River Improvement,	"	"	1,000 00	"	1,000 00	
"	" 1, 1884,	Transferred from Park Nursery	"	"	1,000 00	"	1,000 00	
West Roxbury Park (Franklin Park)	" 4, 1884,	Chap. 185, Acts 1875	Loan,	"	500,000 00	Land	500,000 00	
Public Park, Back Bay	Apr. 30, 1884,	"	Appropriation,	"	150,000 00	Construction	150,000 00	
Charles River Embankment	" 30, 1884,	"	"	"	126,000 00	"	126,000 00	
Wood Island Park	" 30, 1884,	"	"	"	25,000 00	"	25,000 00	
West Roxbury Park (Franklin Park)	" 30, 1884,	"	"	"	24,000 00	"	16,000 00	Transferred to Arboretum, 8,000 00
Marine Park	" 30, 1884,	"	"	"	24,000 00	"	24,000 00	
Arnold Arboretum	" 30, 1884,	"	"	"	20,000 00	"	20,000 00	
Park Department	" 30, 1884,	Transferred from West Roxbury Park	"	"	5,000 00	Dept. Expenses,	5,000 00	
Arnold Arboretum	Nov. 22, 1884,	"	"	"	8,000 00	Construction	8,000 00	
Public Park, Back Bay	Apr. 30, 1885,	"	"	"	45,000 00	"	45,000 00	
Marine Park	" 30, 1885,	"	"	"	15,000 00	"	15,000 00	
Arnold Arboretum	" 30, 1885,	"	"	"	10,000 00	"	10,000 00	
Franklin Park	" 30, 1885,	"	"	"	5,000 00	"	5,000 00	
Wood Island Park	" 30, 1885,	"	"	"	5,000 00	"	5,000 00	
Park Department	" 30, 1885,	"	"	"	4,000 00	Dept. Expenses,	4,000 00	
Park Nursery	June 29, 1885,	"	"	"	3,000 00	Construction	3,000 00	
Franklin Park	Sept. 26, 1885,	"	"	"	10,000 00	"	10,000 00	
Wood Island Park	Nov. 14, 1885,	"	"	"	2,600 00	"	2,600 00	
Park Nursery	" 14, 1885,	Chap. 185, Acts 1875	Loan,	"	16,000 00	Land	16,000 00	
Charles River Embankment	" 20, 1885,	"	"	"	50,000 00	Construction	50,000 00	
Marine Park	" 14, 1885,	Transferred from Covered Channel, Muddy River.	"	"	13,000 00	Land	12,972 57	Transferred to City Account, 27 43
Public Park, Back Bay	Dec. 28, 1885,	"	"	"	"	"	"	
Park Department	May 6, 1886,	"	Appropriation,	"	2,300 00	Construction	2,300 00	
Park Nursery	" 6, 1886,	"	"	"	6,500 00	Dept. Expenses,	6,500 00	
Arnold Arboretum	Apr. 24, 1886,	"	"	"	5,000 00	Construction	5,000 00	
Charles River Embankment	June 31, 1886,	Chap. 185, Acts 1875	Loan,	"	4,000 00	Land	4,000 00	
Charles River Embankment	Oct. 22, 1886,	"	"	"	16,000 00	"	15,932 71	Transferred to Sinking-Fund, 67 29
Public Park Construction	Jan. 4, Feb. 10, Dec. 31, 1887	"	"	"	55,000 00	"	54,886 45	Transferred to Sinking-Fund, 113 53
		Chap. 304, Acts 1886	"	"	2,500,000 00	Construction	2,500,000 00	

Public Parks. — Table of Appropriations. — *Concluded.*

NAME.	Date.	Special Statutes.	Amount.	Object.	Amount expended.	Balance.
Park Department	Apr. 30, 1887		Appropriation, \$6,500 00	Dept. Expenses, ...	\$6,500 00	
Park Nursery	" 30, 1887		" 5,000 00	Construction	5,000 00	
Park Maintenance	" 30, 1887		" 15,000 00	Maintenance	14,985 41	Merged, \$34 58
Public Park Lands	June 4, 1887	Chap. 312, Acts 1887	Loan, 400,000 00	Land	400,000 00	
Park Nursery	" 2, 1888		Appropriation, 6,500 00	Dept. Expenses, ...	6,500 00	
Park Maintenance	" 2, 1888		" 5,000 00	Construction	5,000 00	
Park Department	" 2, 1888		" 7,500 00	Maintenance	20,000 00	
Park Maintenance	Apr. 29, 1889		" 7,500 00	Dept. Expenses, ...	7,500 00	
Park Nursery	" 29, 1889		" 5,000 00	Construction	3,969 45	Merged, 30 55
Park Maintenance	" 29, 1889		" 55,000 00	Maintenance	35,000 00	
Public Park Lands	Feb. 11, 1890	Chap. 392, Acts 1888	Loan, 600,000 00	Land	600,000 00	
" received from town of Brookline	" 11, 1890		" 20,000 00	"	20,000 00	
Park Maintenance	Mar. 8, 1890	339, " 1890 Transferred by City Auditor	" 2,356 32	Maintenance	2,836 32	
"	May 9, 1890		Appropriation, 56,500 00	"	56,500 00	
Public Parks, Charlestown	Oct. 13, 1890	Chap. 271 and 44, Acts 1890	Loan, 200,000 00	Land and Cons.	200,000 00	
Franklin Park	" 17, 1890	Chap. 185, Acts 1875	" 14,000 00	Land	14,000 00	
Charlesbank	Apr. 15, 1891	Transferred from sale of city property	" 2,869 02	"	2,869 02	
Park Maintenance	May 7, 1891		Appropriation, 60,000 00	Maintenance	60,000 00	
Public Parks	May 20, 1891	Chap. 301, Acts 1891	Loan, 3,500,000 00	Land and Cons.	3,451,785 01	
Park Department	Jan. 30, 1892		Appropriation, 60,000 00	Maintenance	60,000 00	Balance, 43,214 99
"	May 18, 1892	Transferred from Reserve Fund by Mayor and Committee on Finance	" 5,000 00	"	5,000 00	
"	June 9, 1892		" 8,000 00	"	8,000 00	
"	Jan. 31, 1893	Transferred by City Auditor	Appropriation, 3,626 07	"	3,626 07	
"	Feb. 10, 1893	Transferred by City Auditor	" 80,000 00	"	80,000 00	
"	Dec. 6, 1893		" 20,000 00	"	20,000 00	
"	Jan. 31, 1894	Transferred by City Auditor	" 6,431 80	"	6,431 80	
Public Parks, Wards 6 and 7	May 17, 1893	Chap. 282, Acts 1893	Appropriation, 350,000 00	Land and Cons.	199,540 85	Balance, 150,459 12
Playstead, No. Brighton	July 10, 1893		" 25,000 00	Land	21,114 83	Balance, 3,885 17

Public Parks	Feb. 1, 1894.	Transferred from Crushed Stone Ap- propriation for Street Improvements	500,000 00	Construction . .	500,000 00	
"	" 1, 1894.			Street Improv'ts,	50,000 00	
Park Department	" 12, 1894.			Maintenance . .	93,618 24	Balance,
"	May 10, 1894.			"	7,000 00	6,381 76
"	June 11, 1894.			"	5,000 00	
"	Dec. 31, 1894.	Transferred by City Auditor		"	3,898 61	
			\$12,711,662 02		\$12,484,271 27	\$227,390 75
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1883			1,772 28			
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1884			13,896 08			
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1885			12,999 80			
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1886			15,900 93			
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1887			7,415 54			
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1888			3,950 06			
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1889			4,421 12			
Income appropriated to Maintenance by City Council orders approved December 18, 1883, June 15 and October 23, 1886 1890			6,452 97		66,808 78	
			\$12,778,470 80		\$12,551,080 05	\$227,390 75

Summary.	
Appropriations for Construction	\$4,529,600 00
" " Land and Construction	4,600,000 00
" " Land	3,561,869 02
" " Maintenance, including Income	553,101 78
" " Department expenses	81,900 00
	\$12,778,470 80
Less expenditures as above	12,551,080 05
	\$227,390 75
Less transfers and merged balances	18,449 71
Balances on hand January 1, 1895	\$208,941 04

Expenditures, as above	\$12,551,080 05
Expenditures, as per City Auditor's account	12,547,853 94
Difference	\$3,226 11

NOTE.

The difference between the total cost of land, construction, and maintenance as given in the Auditor's statements and that given above is due to special drafts, amounting to \$3,226.11 drawn by the Park Department, but not yet paid.

PUBLIC PARKS. — Table of Annual Expenditures. — *Continued.*

	1885-86.	1886-87.	1887-88.	1888-89.	1889-90.	1890-91.	1891-92.	1892-93.	1893-94.	Feb. 1, 1894, to Jan. 1, 1895.
Payments for land	\$488,105 27	\$147,046 43	\$471,458 18	\$55,694 82	\$1,029 48	\$307,673 70	\$304,742 73	\$402,219 45	\$391,401 37	\$830,880 81
Payments for construction:										
Excavating, filling, grading, sea-walls, etc., other than done by Department	116,092 68	62,858 16	26,643 57	55,837 15	35,142 37	182,046 26	298,489 86	279,965 27	235,458 89	320,209 48
Materials	19,109 98	1,563 81	77,568 73	60,180 51	58,001 64	38,244 65	44,037 10	42,345 28	76,744 11	221,274 39
Labor	50,979 39	10,814 97	226,881 57	232,107 39	247,351 69	217,010 73	187,127 64	202,408 39	223,249 39	197,949 02
Teaming and freights	5,360 48	294 95	74,216 41	66,999 93	46,388 08	43,437 45	41,093 14	50,189 99	72,320 02	88,001 26
Bridge construction, other than done by Department	11,633 44	765 04	99,393 62	102,756 57	73,409 67	22,026 44	72,171 63	41,948 49	82,534 07	76,915 21
Buildings, other than done by Department		2,800 00	324 07	28,881 16	8,628 12	3,000 00	4,752 70	10,433 45	29,011 34	81,037 01
Professional services, etc.	12,110 05	14,028 39	6,664 05	9,336 73	9,820 32	11,537 02	13,848 87	14,905 25	18,238 44	20,788 44
Miscellaneous expenses	13,007 30	11,222 61	14,007 19	14,906 30	15,155 33	13,424 33	12,843 76	18,489 25	18,393 78	13,385 15
Total construction account	\$229,402 22	\$104,337 93	\$525,669 21	\$371,074 74	\$493,897 22	\$530,746 88	\$674,952 60	\$660,676 37	\$755,950 06	\$1,019,679 99
Total cost	\$717,507 49	\$251,384 36	\$997,157 39	\$926,769 56	\$497,926 70	\$838,420 58	\$979,695 33	\$1,002,895 82	\$1,347,351 43	\$1,850,500 80
Maintenance account:										
Franklin Park	\$7,986 27	\$5,791 92	\$8,270 94	\$10,477 18	\$17,368 15	\$22,001 89	\$24,122 38	\$24,973 46	\$27,711 33	\$31,657 91
Parkway	2,395 45	3,701 66	937 26	7,108 91	11,453 71	13,430 94	14,238 29	17,255 21	28,702 05	33,469 72
Charlesbank Park	1,907 47	1,854 15	1,237 64	2,241 27	6,107 65	8,885 37	10,225 65	12,819 52	15,952 37	12,430 21
Marine Park	1,385 88	2,003 42	2,737 75	3,726 43	4,039 93	4,348 84	4,221 14	8,365 77	12,619 33	11,258 61
Arnold Arboretum	1,193 37	2,027 98	1,690 46	3,659 36	3,414 20	3,806 64	5,745 76	5,178 83	8,191 45	7,250 24
Charlestown							192 60	49 00	3,310 36	1,600 87
Wood Island					1 50	5 75	3 50	1,197 00	1,546 12	1,834 97
Dorchester Park								1,077 28	77 50	190 00
Franklin Field								81 25	380 25	620 24
Commonwealth avenue										916 89
Office Expenses										8,307 19
Total	\$14,868 44	\$15,379 13	\$14,784 05	\$27,303 15	\$43,056 24	\$62,569 43	\$56,749 77	\$70,997 32	\$98,500 76	\$109,516 85
Total land, construction, and maintenance	\$732,375 93	\$266,763 40	\$1,011,941 44	\$954,072 71	\$540,982 94	\$830,990 01	\$1,036,445 10	\$1,123,893 14	\$1,445,852 19	\$1,960,077 65
Covered channel, Stony Brook	\$17,500 12	\$1,021 04	\$25 00	\$7 99						
Covered channel, Muddy River	\$740,876 05	\$267,764 53	\$1,011,966 44	\$654,080 70	\$540,982 94	\$830,990 01	\$1,036,445 10	\$1,123,893 14	\$1,445,852 19	\$1,960,077 65

PUBLIC PARKS.— *Concluded.***Summary.**

	Totals.
Payments for land	\$5,270,758 98
Payments for construction:	
Excavating, filling, grading, sea-walls, etc., other than done by Department	2,066,097 48
Materials	804,847 30
Labor	2,075,772 37
Teaming and freights	593,071 76
Bridge construction, other than done by Department	679,129 45
Buildings, other than done by Department	174,734 36
Professional services, etc.	171,150 50
Miscellaneous expenses	198,323 65
Total construction account	\$6,763,126 87
Total cost	<u>\$12,033,885 85</u>
Maintenance account:	
Franklin Park	\$188,652 56
Parkway	133,468 70
Charlesbank Park	75,611 22
Marine Park	54,678 10
Arnold Arboretum	40,155 34
Charlestown	5,152 73
Wood Island	4,588 84
Dorchester Park	1,344 78
Franklin Field	1,091 74
Commonwealth Avenue	916 89
Office expenses	8,307 19
Total	<u>\$513,968 09</u>
Total land, construction, and maintenance	<u>\$12,547,853 94</u>
Covered channel, Stony Brook	\$124,332 16
Covered channel, Muddy River	148,479 57
	<u>\$12,820,655 67</u>

Table No. 48.
PARK STATISTICS TO JANUARY 1, 1895.

PARKS.	Year of Taking.	COST TO DATE.		Total.	Area.	Length of Driveways.	Length of Walks.	Length of Rides.	Area of Ponds and Rivers.
		Land.	Construction.						
MAIN PARK SYSTEM:									
Commonwealth Avenue	1894	..	\$85,384 98	\$85,384 98	30 acres	2.8 miles.	4.13 miles.	1.1 miles.	28 acres.
*Pena	1879	\$580,764 49	2,053,359 44	2,614,303 93	115 "	4 "	6.7 "	1.2 "	8 "
*Riverway	1890	133,957 53	331,903 41	984,420 77	40 "	1.4 "	2.8 "	1.2 "	14 "
*Levee Park	1890 and 1892	133,008 77	314,621 43	467,630 20	60 "	1.2 "	3.4 "	0.9 mile	64.5 "
Jamaica Park	1892	645,862 69	117,707 66	763,570 35	120 "	1.5 "	5.6 "	0.7 "	1.4 "
Arnold	1892	84,619 01	174,018 28	258,697 29	36 "	3.4 "	1.25 "	1.4 miles.	..
*Arnold Arboretum	1892	74,043 38	225,228 18	299,271 56	155 "	2.1 "	4.2 "	..	0.6 acre.
*West Roxburyway	1894	3,561 75	3,996 06	7,557 81	150 "	..	..	..	..
*Franklin Park	1885 and 1884	1,551,120 91	1,593,688 33	3,144,808 34	527 "	10.0 "	19.1 "	2.5 "	7.4 acres.
MARINE PARK SYSTEM:									
Dorchesterway	1892	59,887 89	44,496 30	104,384 19	6 "	0.75 mile.	1.6 "	..	..
Strandway	1890 and 1892	356,830 97	22,246 87	379,077 84	174 " land {	1.7 miles.	3.1 "	..	..
*Marine Park	1883	232,972 57	836,057 77	1,069,030 34	32 " land {	0.9 mile.	2.6 "	..	4.4 "
Castle Island	1890	..	31,960 83	31,960 83	21 " " " {	0.4 "	1.6 "	..	..
*CHARLESBANK	1883	373,916 99	282,181 78	656,098 77	10 "	..	1.5 "	..	..
*WOOD ISLAND PARK	1882 and 1891	132,800 00	184,288 36	317,088 36	46 " land {	1.1 miles	2.9 "	..	..
*CHARLESTOWN HEIGHTS	1891	50,538 02	87,802 27	138,340 29	4 " land {	..	0.4 mile.	..	..
CHARLESTOWN PLAY- GROUND	1891	149,554 98	5,631 53	155,186 51	14 " land {	..	0.9 "	..	..
NORTH END PARK	1893	194,407 64	5,133 24	199,540 88	4 " land {	..	0.43 "	..	..
DORCHESTER PARK	1891	31,401 13	2,789 37	34,190 50	25 " " " {	..	..	..	..
FRANKLIN FIELD	1892	119,093 59	64,204 32	183,297 91	77 "	..	..	..	..
*PLAYSTEAD, No. Brighton	1894	21,114 83	..	21,114 83	14 "	..	..	..	..
Sundry surveys									
General account	..	\$5,268,016 24	\$6,643,378 49	\$11,911,394 73	..	..	..	..	..
Park Nursery	..	2,919 19	..	2,919 19	..	..	..	..	..
Betterment expenses	..	..	73,987 50	73,987 50	..	..	..	..	..
..	..	..	29,947 07	29,947 07	..	..	..	..	..
..	..	..	11,669 89	11,669 89	..	..	..	..	..
..	..	\$5,268,935 43	\$6,758,982 95	\$12,029,918 38	2,094 acres.	35.35 miles.	62.21 miles.	7.8 miles.	126.9 acres.

* The land in these parks has been paid for in full.

† An additional area of 34 acres is within the limits of the town of Brookline.

Of the above total lengths of Driveways, Walks, and Rides there have been completed to date respectively 20.4 miles, 27.8 miles, and 5.6 miles. The difference between the total cost of land and construction as given in the Auditor's statements and that given above, is accounted for by drafts drawn and not paid amounting to \$8,226.11, and by the Auditor's maintenance account being \$7,193.58 less than the maintenance account of this department.

Table No. 49.

**PARK BETTERMENTS COLLECTED TO
FEBRUARY 1, 1894.**

	Assessm'ts committed to Collector.	Abated.	Net Assessm'ts.	Collected.	Outstand'g February 1, 1894.
Public Park, Back Bay . .	\$434,600 00	\$143,126 73	\$291,473 27	\$290,404 27	\$1,069 00
Marine Park, City Point . .	23,543 00	12,616 80	10,926 20	10,926 20	
Franklin Park	135,029 00	122,000 66	13,028 34	13,028 34	
Parkway, Old Harbor . . .	60,789 00	38,042 30	22,746 70	7,250 70	15,496 00
Parkway, Muddy River . .	108,972 00	6,349 00	102,623 00	17,620 00	85,003 00
Totals	\$762,933 00	\$322,135 49	\$440,797 51	\$339,229 51	\$101,568 00

Table No. 50.
THE PARK DEBT
December 31, 1894.

Total loans outstanding	\$9,849,000 00
Means of Redemption:	
Sinking-Funds	\$1,573,948 68
Betterments outstanding	154,663 00
Total	1,728,611 68
Net Park debt December 31, 1894 .	8,120,388 32
Right to borrow January 1, 1895, under St. 1894, ch. 396 *	\$1,000,000 00

* Issued January 4, 1895.



FINAL PROCEEDINGS
OF THE
BOARD OF ALDERMEN
OF
1894.

Alderman LEE presented the following:

Whereas, Alpheus Sanford has, during the past year, presided over the deliberations of the Board of Aldermen with marked ability and with absolute fairness and justice to all his associates, we gladly, on this our final meeting, desire to express to him our appreciation of his earnest efforts to promote the friendships and pleasant relations that have existed between us, and wish for him a future replete with success and happiness.

The resolutions were read a second time, and the question came on their passage.

Alderman LEE said:

Mr. CLERK: After offering the resolutions which have just been read, I deem it a duty and pleasure to add a few remarks regarding our Chairman. When I say that he has always presided

over our meetings with dignity, fairness, and firmness, I merely state a naked fact which I am unable to clothe with the eloquence which is its proper attribute.

During our not infrequent debates during the past year Alderman Sanford has shown himself the most lenient of chairmen in interpreting the rules; and many times when it was within his power to limit the debate, he, in a spirit of fairness and with a desire to please, allowed us to continue our remarks, although at times foreign to the subject under discussion. I have had the pleasure of serving under several presiding officers, but I have yet to meet a more courteous and generous chairman than Alderman Sanford. His task during the year has been by no means a light one. In his position a man should have at his command tact and ability, and he has shown that he possesses an unlimited supply of both.

I think my associates will agree with me, without exception, regarding the manner in which he has presided over our deliberations, and his forbearance at times when it was his privilege to interfere and restrict our discussions. He has given our rules a most broad and liberal interpretation, and I consider it the duty of every member of the Board to thank him for it. I, personally, cannot find words to express my gratitude for his kindly treatment of me during the past year, and I shall always consider that I have been fortunate to have served under such an able and dignified chairman as Alpheus Sanford. It affords me great pleasure to know that I shall be associated with him again next year.

I do not know whether he will be chairman again or not, but I do say, without hesitancy or flattery, that it will be an impossibility to select a better man for the position. Of course, that is a matter I have nothing at all to do with—it will be settled by his own party associates; but it may not be out of place for me

to say, however, that the ability he has displayed as chairman during 1894 is argument enough in itself to cause his colleagues to again place him in the chair for 1895. I wish him a happy new year, health, and happiness, and every blessing that Divine Providence can give.

It may not be amiss for me to refer to my time-honored friend, Alderman Fottler. My many years' association with him has been a source of delight to me, and I trust also to him. It has been unruffled, and even our clashing interests for the chairmanship in 1893 failed to disturb the harmony of our mutual respect for each other. I am sorry that I shall miss his familiar form and face during 1895 from the aldermanic chamber, but do not doubt that "Jake" will be with us once again when Heaven and the Republican convention see fit to ordain it.

I shall also miss Alderman Hall, the handsomest man in the Board. Of his ability I will not speak, as it is too well known to require attention from me, but I shall miss his cheerful smile and kindly words during the coming year. One consolation is left me, however, and that is the knowledge that a friendship has been formed between us which will last as long as life endures.

As I look upon the rubicund countenance of Charles W. Hallstram, I realize that he, also, retires from the upper branch of the City Council. We shall miss his sound advice and business capacity sorely, and we shall also lose the censor of the Board. My best wishes go with him, and I trust and hope that he will again adorn the precincts of City Hall.

My other associates will serve the city during the coming year, and it is needless for me to make any reference to the good-fellowship and kindly feelings which have always existed between us. We have been a happy family during 1894, and I think we shall be during the coming year.

Messrs. Galvin, Hillard, Priest, Brawley, and the City Messenger and his assistants have my thanks

for the many favors they have done for me during the past year. Their duties have been ably performed, and we are fortunate to have such an able corps of officials connected with the Board of Aldermen.

The representatives of the press, and Mr. McGrath in particular, will please accept my hearty thanks. They have always, and Mr. McGrath especially, treated me with the kindest consideration, and I am grateful to them for it. Mr. Harnden, the official reporter, also has my thanks and best wishes. He has performed his difficult duties in a most satisfactory manner, and although getting a little gray, still fills his position in a manner which is a sermon to all stenographers.

With best wishes to all my associates in the Board of Aldermen of 1894, and my heartfelt gratitude for their courtesy to me, I will close by wishing all my colleagues a happy and prosperous New Year. [Applause.]

Alderman FOTTLER said:

Mr. Clerk, I heartily second the resolutions offered by the genial Alderman opposite, and I will say that to do so affords me great pleasure. I have been associated with our genial Chairman for many years. I have known him in political life, I have known him in a business way, and I have known him in a social capacity. But knowing as I do that modesty is a grace which enters largely into his make-up, I shall endeavor to refrain from the use of superfluous or unnecessary words.

I will, however, say this, that during the year he has held the office of Chairman of this Board he has been firm, he has been impartial, he has been dignified, he has been fair in all his rulings. I desire to thank him especially for his remembrance of me when the committees were meted out, and I will say on this occasion, as Chairman of the Committee on Streets and Sewers,

which I regard as one of the greatest committees connected with this Board, that that committee has had a very prosperous year. It has transacted an immense amount of business, and with a view to showing the public something in connection with the work of that committee, I asked the clerk of the committee, Mr. Murphy, if he would give me a summary of the work that has passed through the committee's hands. This is what he says:

MR. JACOB FOTTLER, *Chairman of the Committee on Streets and Sewers:*

DEAR SIR: Replying to your inquiry relative to the work of the Committee on Streets and Sewers during the past year, I have to say that forty-four meetings were held. The several petitions referred by the Board of Aldermen to this committee related to street improvements, sidewalk and street construction, bridge improvements, land and sewer damages, proposed location of stables, together with a large number of miscellaneous matters; the same being referred to our committee as a committee of the whole Board of Aldermen. The total number of subjects disposed of and reported upon was 1,235, and aside from the usual number of petitions for street and sewer improvements of various kinds, the docket of the committee is practically clear. In closing this brief summary, I desire to extend my personal thanks for your uniform kindness during the past three years.

Yours respectfully,

P. J. A. MURPHY,
Secretary of the Committee.

And allow me in this connection to thank Mr. Murphy, the efficient clerk of our committee, for the kindness and courtesy that he has always extended to me, as well as to the other members of our committee.

Gentlemen, after a service of three years as a member of the Board of Aldermen, I, with two other members of this Board, shall retire from the precincts of City Hall; and I desire to say that during the whole three years of my connection with the Board of Aldermen everything has been perfectly harmonious. I shall leave City Hall with many regrets.

I have to thank many persons connected with City Hall for the uniform kindness which they have shown to me during that time—the greatest that could be shown to any person. I wish to thank personally the City Clerk and his assistant, the clerks in his department, the Clerk of Committees and his assistant with the clerks in his department, the City Messenger and aids, the official stenographer and members of the press.

It seems to me also that I should at this time extend my thanks to the members of this Board with whom I have been associated, and whose uniform kindness and treatment of me while I have been associated with them I shall never forget. Leaving the Board of Aldermen of 1894 with the work of having Blue Hill avenue widened, and work fairly started in the same direction on Columbus avenue, I feel that I have had glory enough for one year.

Gentlemen, I thank you all for the uniform kindness and courtesy you have shown me, and I extend to you my wishes for a happy and prosperous year. [Applause.]

Alderman Hall said :

Mr. Clerk and Gentlemen: I am glad to have an opportunity to second these resolutions. I am glad to express my appreciation of the high character and qualities, the unfailing courtesy and fairness, of the gentleman who has presided over our deliberations for the past year. In the discharge of his duties he has been always impartial and absolutely faithful. He has neglected no public duty, and his acts have been characterized by his honesty, ability, and wisdom; he has maintained the dignity of his important position, and has served this Board and the city with absolute fidelity.

There was a time when the Mayor presided over the legislative branch of the City Government, and in our early history it was charged

against Josiah Quincy that he made himself chairman of every committee. You cannot be so criticised, Mr. Chairman. You have trusted to the abilities of your associates in the matter of committees, and for my part I thank you for your kindness and confidence. I am sure that you will look back upon the year that has just passed with gratification and pleasure. Work well done is an unfailing source of satisfaction.

And in speaking words of well-earned praise of the Chairman we must include the Clerk. We are all familiar with Mr. Galvin's able work. His accurate and comprehensive knowledge of the legislative business of this municipality is everywhere recognized. His ability and his fidelity to the duties of his important office I venture to say have never been surpassed. To him and his able assistant we owe the highest praise. For a long time I had known him as a friend, and lately I have known him and esteemed him as an official, able and honest.

The Clerk of Committees, Mr. Hillard, and his assistant, Mr. Brawley, are also to be remembered. I shall never forget their able and kind assistance. There is another familiar presence without which this chamber — yes, City Hall — would seem strange. Colonel Alvah H. Peters is as much a part of City Hall as the monument is a part of Bunker Hill. His distinguished military bearing, his exceptional success as a master of ceremonies and as a preparer of itineraries, his paternal solicitude for new members and watchful care over all — these are but few of the things which make up the sum and substance of his career as a city official. Let us thank our distinguished colonel and his staff of assistants for their ever-watchfulness and assistance and kindness.

Mr. Harnden, Mr. McKibben, Mr. Chisholm, the takers of our speeches and the correctors of our errors, and the members of the press,

have been cheerful, patient, and kind. We certainly are indebted to them in many ways. I would not except anybody. I sincerely thank all, from the heads of departments down, for unfailing kindness and many favors.

The Board of 1894 has been a hard-worked body. We have had many important measures before us, and it has been difficult to decide always aright, but I do not now recall a single vote on my part I should wish to change. The taxpayers of Boston should be satisfied with the work which has been done here.

It seems to me that there should be closer relations between the Mayor and the City Council, but perhaps longer experience might teach me differently. However, we are not here for serious discussion. We have, I believe, every one passed a pleasant year.

As a retiring member, let me say that I shall ever have in my mind's eye this chamber, with you, Mr. Chairman, beaming down upon us all. On my extreme left I shall see my honored friend from Brighton, Chief Justice of the Court of Claims, in spirits the youngest man in the Board; my emaciated but able, cheerful, and philosophic friend from Roxbury, who sits next; the genial Judge, famous as the trier of our public institutions; our friend from the West End, always earnest and untiring in debate, and ready for a contest; my nearest neighbor on my left, whom we recognize as one who has served his city now for fifteen consecutive years.

On my right I shall see the eloquent Alderman from Charlestown. His near neighbor is our friend who leads the voting on the wrong side; next comes my esteemed fellow-townsmen from my old bailiwick, East Boston, and near to him my associate and friend from my own district; and finally our military member, who marches with the Ancient and Honorables as their leader when they turn out to inspiring music for a good dinner.

These are the faces and surroundings I shall recall with pleasure. While learning about the affairs of a great municipality and trying to legislate for its best interests, we have formed enduring friendships. None will hold them closer than I shall; and while I am glad to go back to the practice of law, I assure you, gentlemen, I am sorry to part from this company. I second the resolution. [Applause.]

Alderman HALLSTRAM said:

Mr. Clerk, I was glad to see that the closing remarks of the Alderman who has just sat down in seconding these resolutions partook of a somewhat lighter vein than is usual on such occasions.

It is customary at the last meetings of the Common Council and of the Board of Aldermen to introduce resolutions such as have now been introduced, and then speeches seconding those resolutions have been made in a funereal tone. The fact that Alderman Fottler, Alderman Hall, and myself had been picked out as three of the chief mourners on this occasion made me think that to-night was going to be another one of those funereal occasions, and I was glad when I saw that Alderman Hall was speaking in a lighter vein. Although parting is in some respects sad, yet I feel that this is not parting. We go away from here to-day, and although some of us do not come back to-morrow, yet we shall meet upon the street and in the business circles of the city as friends and not as strangers. That is one satisfaction we have in making our acquaintanceships here.

It has been my pleasure to serve the city of Boston five consecutive years. I have made many pleasant acquaintances during those five years, and none more pleasant than the acquaintance of our presiding officer. In his position in this Board he has shown marked ability, firmness, impartiality, and a thorough knowledge of parliamentary law. In all of his rulings I believe

that he has been just. He has expedited the business of this Board of Aldermen, and has done the city a great service by reason of the direction in which he has pointed the legislation. I know full well his modesty, and that he does not care to sit here and listen to the praises which might be sounded in his behalf. He knows full well that every member of this Board is his friend, and every member of this Board knows that he has a friend in Alpheus Sanford.

It may not seem amiss to the members of the Board if I mention the fact that one of the things which I congratulate myself most on, and for which I thank the members of this Board and also His Honor the Mayor, is the accomplishment of the extension of Columbus avenue. I believe it will prove to be one of the greatest things which has been done by any City Government for a number of years, and time will show the wisdom of it.

I desire also to thank the officers of City Hall, the City Messenger and his deputies, the City Clerk and all his office, and all the others without mentioning them in particular, and also our friend Frank Chisholm, our private stenographer. I shall look back upon the five years which I have served in the City Government, including the two years in the Board of Aldermen, with a great deal of pleasure. I shall look back, as the poet says:

“As travellers oft look back at eve,
When eastward darkly going,
To gaze upon that light they leave
Still faint behind them glowing;
So when the close of pleasure's day
To gloom hath near consigned us,
We turn to catch one fading ray
Of joy that's left behind us.”

And so we shall look back upon these days of joy that are left behind us.

I will close, Mr. Chairman, by thanking you and each one of the members of this Board for the

kindly courtesies which they have extended to me, and I trust that it will be a long day before we shall be separated from each other in private life. [Applause.]

Alderman BARRY said:

Mr. Clerk, I presume the probability is, without looking up the records, that it is very rarely that a man of my age can be able to say in a Board of twelve members, the Board of Aldermen of the great municipality of the City of Boston, that at one term he served with almost a majority of the present Board in the lower branch of the government, the Common Council. If I am not wrong, Mr. Clerk, there are to-night sitting at this Board, including the presiding officer, six members with whom it has been my privilege to serve in the lower branch. Mr. Clerk, I may say that between those six gentlemen and myself nothing but the kindest of feeling has always existed, and I hope that that same feeling will always continue to exist hereafter.

To those members of the present Board with whom I have not previously so served, I desire also to say that I certainly hope the good feeling between us will always continue. I myself, Mr. Clerk, may at times have been impulsive. I am so at times, in argument and debate, and in the heat of such I may have said some things that at times may not have been acceptable. But I desire now to say, as there can be no better time to say it, that I leave this chamber to-night with no feeling against any member of the Board of 1894, its Chairman or any other member.

Mr. Clerk, I would not be true to the father and mother I came from if I held any animosity in the slightest degree. While, as I have said before, the debate may have been warm and I may have been warm, being of a warm-blooded nature, and perhaps at times having said some

things that may not have pleased some members of the Board, I desire now to say to one and all, that I have no feeling against a single member.

I myself have served under eleven presiding officers, and I may at times have felt that I perhaps did not receive at the hands of the presiding officer certain considerations that, in my opinion, were due to me. But I say frankly and openly that I have no feeling against any one, and when I leave this chamber to-night, and as the electric lights go out, it will be with the best feeling on my part for every member of the Board. I wish to say to the presiding officer, "God speed!" May he be happy and prosperous here and hereafter. [Applause.]

The resolutions were adopted unanimously by a rising vote.

Chairman SANFORD said:

Fellow members of the Board of Aldermen of 1894: Very pleasant, indeed, are the words of the resolutions which you have just passed; but, if possible, more pleasant to me are the words you have seen fit to utter as you have seconded these resolutions. What can I say to you? You do not know how much I thank you. You do not know how difficult it is, how nearly impossible it is, for me to properly answer the pleasant resolutions you have just passed. I feel it, I appreciate it, but I do not properly respond. I am cognizant of that, perhaps more so than any of you, friends of mine.

I remember distinctly, early in January last, when you were kind enough to elect me to this position, and under the escort of a committee I passed around that portion of the chamber, through the centre, up this way, and I met in this chair Alderman Lee, who was the presiding officer at that time. As I ap-

proached the desk from this direction, he stood here with the gavel in his hand, and among other words he said, "If you have occasion to wield this, use it in the exercise of the best interests of the city, for good government and reform." I have tried to do whatever seemed to be for your best interests and the city's best interests at the time when it was before me for action.

I came into this chair with little knowledge of the vast responsibility that here exists, with no experience in parliamentary law. I came here ignorant of many and most of the things that go far towards making a presiding officer; and one of the first things that I distinctly remember, and for which I have occasion to thank you, was the great forbearance and patience which you extended to me while I was trying to master the difficulties of my position. I little know whether I would have succeeded well or not had it not been for your great kindness to me at that time. Possibly you do not now realize it; but knowing what I have gone through, and recognizing and fully seeing what you did then, I know how important it was to me.

Now, if I have been successful as your Chairman, I have been so, not only because I have had to be so, but mainly with the grand assistance which you have all rendered me. I believe I have exercised the duties of the office without fear or favor. I believe that I have made in many senses, perhaps, a dignified and impartial Chairman. I say this because if your words mean anything, they are certainly evidence that those qualities in me exist.

But I do not believe this is a time for me to speak in a personal way. It has been said that this is the time when the review of the year should be made. I am not disposed to do that. The record has been made. That record is written and is open to view. In that record we have all played our part; it can be seen, it can be known.

We have had a busy year; we have had a fortunate year. I may say, looking at it from a legislative point of view, we have had a successful year. I think we have attended, as a Board, to more business than has any Board of Aldermen for many years; and in doing so we have not been hasty, but we have been careful, safe, and prudent. It will at once occur to you that one of the most extensive investigations that has been held in City Hall we have had the pleasure of closing to-day, — the investigation of the Public Institutions Department.

In considering the questions arising we have had to deal with the practice and theory of everything that pertains to the management, support, and government of penal and pauper institutions. This is a serious matter, a large matter, an exhaustive matter; and I claim, gentlemen, that you have attended to it squarely, fairly, and successfully, and that the report of your committee, which we have adopted to-day, will inure in great benefit to both our criminal population and our poor people.

At the closing of the year one is apt to meet with many thoughts bordering upon sadness; and so, sometimes, I think the same thing occurs at the closing of a political year. But the only thought of sadness that comes over me at this present moment arises from the fact that some of our members are obliged to leave us. What can we say to them? It seems to me we can say this: We know you well. You have been with us during the year or more. Your association with us has done us good; and while your places may be filled, you cannot be forgotten.

To those of you who return, it seems as though we should bear this in mind—to come back, if possible, with a renewed activity, with a strengthened zeal, with a stronger disposition to labor earnestly and faithfully upon those vast questions, requiring legislative experience and action, that enter into a large municipality like ours.

It is not right that I should, nor do I desire at this time to in any sense overlook those connected with this Board in official positions. And first I want to speak of our worthy Clerk and Assistant Clerk. No one knows but those two gentlemen how much I have bothered them, how much I have annoyed them, how repeatedly I have pressed them with questions that were often foolish and trivial. But throughout the year, from the very first until to-day, the same smile, the same courteous treatment, the same generous, whole-hearted talk have I received from both those individuals; and, of course, I can do nothing more than, in my feeble way, to wish them the greatest prosperity. The Clerk of Committees and his assistants have been of great service to us all, and to me personally, and I thank them heartily. To the City Messenger and his assistants I also extend a heartfelt greeting. To the stenographer, the representatives of the press, and all connected with this chamber in official positions—I thank you all.

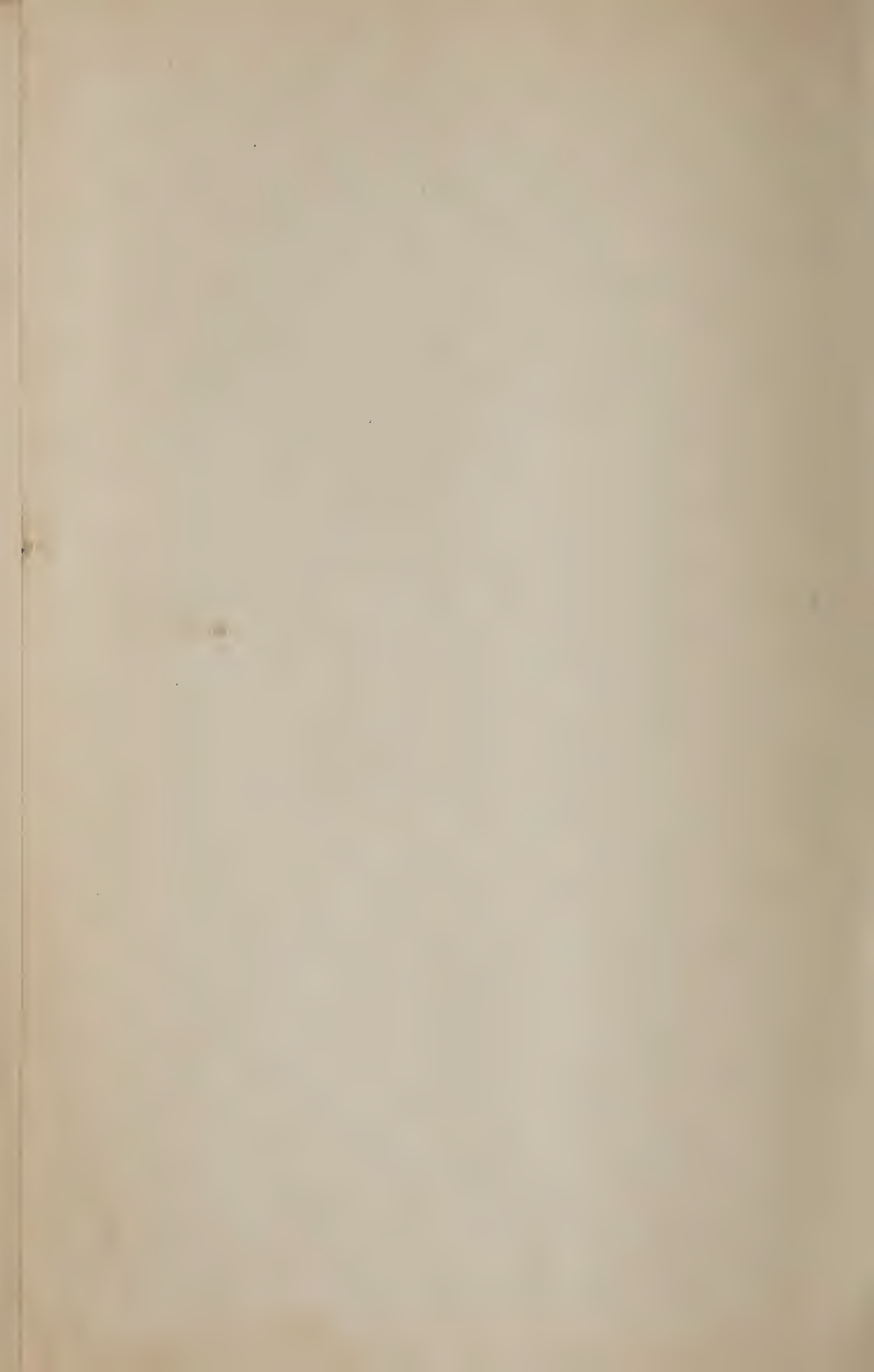
I think nothing now remains but to close the proceedings of this Board. The duties of the Board are finished, and the official sound of the gavel is the one thing that remains to close our existence. [Applause.]

Alderman FOLSOM offered the following:

Ordered, That the closing proceedings of the Board, together with the address of the Chairman, be printed as a city document, and that the Superintendent of Printing be instructed to have copies thereof bound for the use of the members of this Board; the expense thus incurred to be paid from the contingent fund, Board of Aldermen.

Passed under a suspension of the rules.

Adjourned, *sine die*, on motion of Alderman WITT, at 8.30 o'clock P.M.



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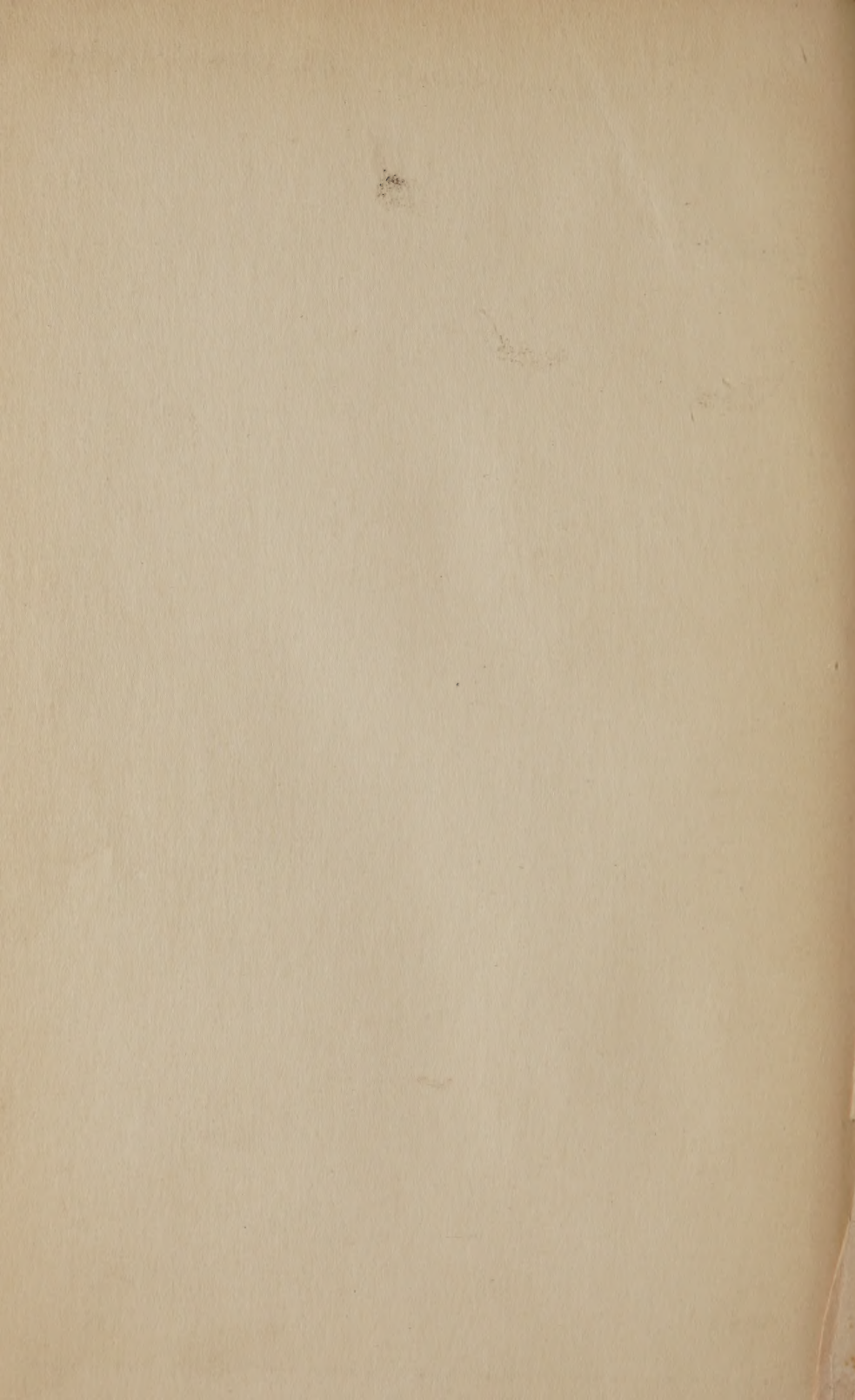
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